

63

NATIONAL MUNICIPAL REVIEW

PUBLISHED MONTHLY BY THE

National Municipal League

SERVING ALSO THE

AMERICAN CIVIC ASSOCIATION

NATIONAL CITY PLANNING CONFERENCE

VOL. XIV, No. 2 FEBRUARY, 1925 TOTAL No. 104

CONTENTS

COMMENT.....	<i>H. W. Dodds</i>	63
COMPULSORY VOTING IN CZECHO SLOVAKIA.....	<i>Charles E. Merriam</i>	65
WHY CINCINNATI VOTED FOR P. R. AND A CITY MANAGER.....	<i>Henry Bentley</i>	69
OBJECTIONS TO ZONING CONSIDERED.....	<i>Thomas Adams</i>	74
MUNICIPAL GOVERNMENT IN THE UNITED STATES: SOME IMPRESSIONS.....	<i>I. G. Gibbon</i>	78
WHAT ONE SMALL CITY HAS DONE.....	<i>Nestor Light</i>	82
THE PRO AND CON OF ANNEXATION OF SUBURBS.....	<i>Erwin N. Griswold</i>	86
THE INDIANA SCHEME OF CENTRAL SUPERVISION OF LOCAL EXPENDITURES.....	<i>Philip Zoercher</i>	90
COUNTY GOVERNMENT IN NORTH CAROLINA.....	<i>A. C. McIntosh</i>	96

DEPARTMENTS

I. Recent Books Reviewed.....		104
II. Governmental Research Conference Notes.....	<i>Edited by Arch Mandel</i>	110
III. Items on Municipal Engineering.....	<i>Edited by W. A. Bassett</i>	113
IV. Notes and Events.....	<i>Edited by H. W. Dodds</i>	117

GRIFFENHAGEN & ASSOCIATES, LTD.

offer an effective and unique audit and examining service to municipal corporations, counties, states, and public institutions as a feature of their general practice in the field of fiscal administration. They will be glad to describe it upon request

HEADQUARTERS OFFICES AT 155 EAST SUPERIOR ST., CHICAGO

THE LEAGUE'S BUSINESS

Albert De Silver.—On December 7, Albert De Silver, formerly of our Council and founder of the Civil Liberties Union lost his life in a railroad accident.

His place in the ranks of political reform was notable because to an unusual degree his task took courage. Amid the deportation-of-radicals hysteria, he went forth almost single-handed to tilt against the department of justice on behalf of obscure aliens. He gave his help without question wherever the issue of a man's right to express his opinions was raised. The draft objectors in prison found him the outstanding worker for liberty of conscience. When "100 per cent Americanism" was flamboyant, he compelled respect for 100 per cent of the Constitution.

And he went to his combats without bitterness or pose, on behalf of strangers and a violated legal abstraction,—in modern undramatic ways a very Sir Galahad of the Bill of Rights.



Joint Report on Civil Service Almost Ready.—The joint committee on civil service, representing the National Municipal League, the National Civil Service Reform League, the Association of Civil Service Commissions and the Governmental Research Conference, has been holding regular meetings since June and will soon be ready with a complete report. The report will contain a survey of the present situation respecting the merit system in city and state government, recommendations regarding the form of organization of the personnel agency, and proposals for a law covering the subject.

Charles P. Messick, secretary of the New Jersey state civil service commission, in co-operation with Fred Telford of the Bureau of Public Personnel Administration, has carried the burden of drafting the report. Colonel H. M. Waite, who represents the National Municipal League, is chairman of the committee.



Administrative Consolidation Pamphlet Sent to State Legislatures.—During January the revised pamphlet by A. E. Buck entitled "Administrative Consolidation in State Governments" was sent to the members of the legislatures of half a dozen states in which the movement for administrative consolidation is particularly active. If you are interested in knowing the up-to-the-minute situation in state reorganization, write for a copy of the pamphlet.



Improved Contact with Cities.—Through the co-operation of our members in cities where there is no local organization now holding membership in the National Municipal League, we are working to secure civic association memberships in all the cities with a population of over 30,000, having in mind that these local groups may turn to us for information and help on problems in the field of government.

NATIONAL MUNICIPAL REVIEW

VOL. XIV, No. 2

FEBRUARY, 1925

TOTAL No. 104

COMMENT

**Economy in
Pennsylvania
State Government** When Governor
Pinchot took office
two years ago, he
offered to absorb an appropriation
deficit of \$29,000,000 by means of sav-
ings in current expenses without new
taxation for the purpose, if the legisla-
ture would make its appropriations in
lump sums to departments rather than
in the old detailed manner. For the
first time in Pennsylvania, the governor
submitted a budget, although the
budget principle was not yet estab-
lished in law.

Mr. Pinchot now has the pleasure of
reporting to the legislature that by the
end of the biennium his promise will be
accomplished. The chief factors mak-
ing for success have been a series of re-
forms which have given the governor
the means of controlling administra-
tion and expenditures. Chief of these
has been a consolidated administrative
code, a system of uniform accounts, and
a personnel classification. The gov-
ernor pays high tribute to the secretary
of the commonwealth, Dr. Clyde L.
King, under whose direction the above
reforms were carried out and through
whose office departmental estimates
for expenditures under the lump sum
appropriations pass.

An interesting paragraph in the mes-
sage states that 85 cents of every dollar
spent by the state government goes
back to the counties in provisions for

schools, highways, social agencies, etc.;
only 15 cents goes to pay the general
expenses of running the state govern-
ment.

✦

**Will New York
Get the Short
Ballot?**

The constitutional
amendment passed
in 1923 by the New
York legislature, consolidating the 180
independent agencies into an orderly
series of twenty departments under
heads appointed for the most part by
the governor, comes up this year for
passage a second time before it can be
submitted to the people. Both houses
of the legislature contain a majority
opposed to the governor, who has been
working for the short ballot, and the
word has gone out that administrative
reorganization must be voted down as
a part of the war which the legislature
has declared upon the governor. The
amendment passed the 1923 assembly
which was Republican, but this year
both houses are Republican and they
intend to yield nothing to a Democratic
governor.

The last election demonstrated to
the politicians the efficacy of the long
ballot. Al Smith was elected governor
because of his immense personal popu-
larity, but he was unable to carry the
rest of his ticket with him. Conse-
quently the minor elective offices are
in the hands of the Republicans. "We

would have been in a fine position," the Republican state chairman is reported to have said, "if the short ballot had been applied, wouldn't we?"

The state chairman should be more discreet. The long ballot is the politicians' ballot but they shouldn't be so frank about it. What will the people think if the politicians admit the charges of reformers and theorists?

*

The Indiana Plan

Philip Zoercher, a member of the state tax commission of Indiana, presents in this issue the claims of the Indiana plan of state supervision of municipal finances. As many of our readers know, the Indiana tax commission has broad powers over the tax levies and bond issues of the localities. As Mr. Zoercher shows, the power to veto increases in local budgets and borrowings was established in the fear that in the face of huge increases in assessed valuations, local officials would not make corresponding reductions in the tax rates and that the percentage limitation on bond issues would be no longer effective.

The system is being watched with great interest in other states where the hunt for economy is fierce. Governor Silzer of New Jersey recommends it in his annual message to the legislature. He claims that experience has demonstrated that the Indiana plan is a psychological check upon appropriating authorities who fear appeal to the tax commission, and that by furnishing such appeal when necessary it eliminates particular items of extravagance.

It may be doubted whether the plan increases the caution of local bodies in levying taxes. It passes the buck to the state agency when full responsibility belongs at home. It should be remembered that increases in taxes are

felt at once and bring their own reward to the local officials responsible for them. There is no good reason for violating an accepted principle of home rule, and if Indiana had waited she would have seen the city councils and county boards reap the popular verdict. It might have been in favor of the increases but there is no moral evil in higher taxes if the people who pay them believe they are desirable.

When it comes to local borrowings, the situation changes. Limitations upon debt capacities of cities, unlike tax limits, are universally recognized as proper. Our usual practice has been to set up certain proportions of the assessed valuation as the limits above which the locality can not go. But this is a blind method and there is no rational basis upon which to fix the rate. Who can prove that a 5 per cent debt limit is proper but a 7 per cent limit is wrong.

It is the flexibility of the Indiana debt plan which attracts. It is an example of the recognition of the limitations of rigid legislative control over cities and of the benefits of a flexible administrative supervision. Some city officials who have looked into it prefer it to the present tangled restrictions of statute law. Unnecessary city debts are not felt by the people who contract them, but a city may suffer badly through inability to borrow for needful improvements. Since municipal credit is a co-operative thing, the credit of each city must be maintained; and this can best be done through supervision which distinguishes between extravagant loans and those which are good business and social ventures.

A committee of the League, under the chairmanship of our treasurer, Mr. Pforzheimer, is studying the question. A preliminary report will be ready soon.

COMPULSORY VOTING IN CZECHO-SLOVAKIA

BY CHARLES E. MERRIAM

University of Chicago

Ninety per cent of the eligible persons vote in Czecho-Slovakia. To what extent is this due to the system of compulsory voting? :: ::

ONE of the unforeseen tendencies of modern democracy is the unwillingness of the newly enfranchised to use their hard won rights. It was assumed that if all men could vote, all men would vote. This assertion, unchallenged even by opponents of universal suffrage, has not yet been sustained, certainly not in the United States where scarcely half of the qualified voters cast a ballot even for president of the nation.

VOTING A DUTY AS WELL AS A RIGHT

One of the most interesting experiments in government, of the many now being conducted in Europe, is that of Czecho-Slovakia. Amidst great enthusiasm, especially on the part of the Czechs, and under very intelligent leadership the new republic is undertaking many political ventures of great interest to all students of modern democracy. Not only have the Czechs established a republic, destroyed all evidences of hereditary political power, and granted universal suffrage to women as well as to men, but they have also made voting a duty as well as a right. They say to those who make up the infant republic not only, "you may vote," but "you must vote." This system,¹ not wholly novel it is true, the writer wishes to discuss on the basis of

personal observation and examination in the summer of 1924.

The Czecho-Slovak law lays down the rule that "Every voter is obliged to take part in the election." Unless excused, he is liable to a fine of not less than 20 and not more than 5000 crowns (on the basis of the present rates of exchange \$6 to \$150), or imprisonment from one day to one month. Of excuses there are five main types. If a voter is over seventy years of age he is not obliged to go to the polls; or if he is suffering from illness or physical disability; or if he is absent from his district not less than one hundred kilometers (sixty-two and one-half miles); or if he can show some unavoidable obligation incidental to his occupation, as for example, that of the physician called to attend an important case; or if there has been a breakdown in transportation; or finally, and this might conceivably cover a multitude of cases, "other difficulty impossible to overcome."

ALMOST EVERYONE VOTES

Whatever may be the cause, it must be said that thus far almost every one votes. In the local elections of 1919, 91.6 per cent of the eligible voters came to the polls; in 1920 in the parliamentary elections 89.9 per cent of the eligibles voted; in the local elections of 1923 (in Praha) 87.5 per cent. The most important case is that of the parlia-

¹ The best discussion of the subject is found in Barthelmy's "Le vote obligatoire" in *Revue du droit public et de la science politique* Tome XI, No. 1 (1923).

mentary election. There were 6,917,956 eligible voters on this occasion, of whom 6,220,778 voted and 697,178 did not. 20,746 ballots were invalid or unmarked, a remarkably small figure. In some of the districts the percentage of voters was as high as 98.

Among the lowest votes was that in the seven districts of Praha which averaged only 87.2 per cent. There seems to have been little difference between the urban and the rural districts, or between the various sections of the country. The various parts of the Republic voted as follows:

Bohemia.....	90.4
Moravia and Silesia ..	89.2
Slovakia.....	88.5

It is interesting to note that more women vote than men, not only absolutely but relatively. In the parliamentary election, the percentage of women's vote was 90.9 and of the men's vote 88.8. The actual number of men voting was 2,900,128, and of women, 3,299,904. This made the actual percentage of men's votes to total votes 46.6 and of women's 53.4. In a number of districts the percentage of women's vote ran up above 95.

The women's vote is all the more striking to me because in our recent survey of non-voting in Chicago some of the highest percentages of non-voters found were those of the Bohemian women.¹ They thought it was not the proper thing for women to vote and therefore remained away from the polls. But in Bohemia, whence they came, the percentage of women voting was 90.9.

In practice the obligation to vote is emphasized rather than the punishment. In many cases nothing is done with the non-voter, and the possibility of punishment is not taken very seriously. In many cases he is notified

and sends in his excuse in writing. In other instances the non-voter is summoned before the officials and required to give his excuse orally, and perhaps reprimanded if he does not have one that seems adequate. In a few instances the non-voter is actually fined. Thus in Praha, of 40,000 non-voters, the records supplied me showed that 265 were actually fined. Of course the summons to appear may be regarded as a mild form of punishment, especially if actual appearance is required. The possibility of being summoned and thereby inconvenienced may operate as a still milder form of punishment.

Practically all those with whom I talked seemed to regard the moral obligation or patriotic duty as the most important factor in the law, and to minimize the idea of fine or imprisonment. So little, in fact, is attention focused on the punitive features of the law that for some time I had great difficulty in ascertaining the facts. Some prominent publicists asserted that no one was punished, and others that every one who violated the law was punished. In reality very few actually fall into the clutches of the law, but no doubt the fact that the requirement is a legal one operates to bring in many who would otherwise remain away.

OTHER FACTORS THAN OBLIGATORY VOTING

The causes of the large vote in Czecho-Slovakia may be found in other factors than in obligatory voting. Among these are custom, the enthusiasm for the newly acquired right to vote, the rivalry of the various parties, and the voting system. Even under the old régime the percentage of voters among the relatively few who had the right was large, reaching 80 per cent in Bohemia. It is to be observed, however, that in Moravia and Silesia voting

¹ Merriam and Gosnell *Non-Voting*, Ch. V.

was compulsory before the revolution and that 92 per cent to 95 per cent voted. Furthermore, after the revolution women were enfranchised and many men who had never possessed the franchise before (only 21 per cent of the population) were enfranchised. There was a general glow of enthusiasm on the part of the new nationals, and they turned out to vote almost unanimously. Whether this original enthusiasm will continue as time goes on is of course problematical.

Finally, we must reckon with the party system of Czecho-Slovakia and the method of proportional representation that accompanies it. There are twenty to twenty-five parties in the Republic, depending on how you reckon them. These groups represent lively differences in race, religion, economic class, and to some extent geographical differences. There are racial groups divided as Czech, Slovak, German and Hungarian. There are groups called socialistic in various forms and other groups called bourgeois. There are groups based chiefly upon religious considerations, as is the powerful clerical party. There groups are also criss-crossed. There is a Czech socialist, a German socialist and a Hungarian socialist party. There is a Czech agrarian party and a German agrarian party. There is a Slovak clerical and a Czech clerical party. There is a Czech middle class and a German middle class party. There are Czech communists and there are German communists.

Now these parties are represented in parliament in proportion to the size of their vote. On the average, 24,619 voters are given one representative, the number varying through the 21 election districts from one for 19,624 in Mikulas, to one for 32,714 in Kosice, both in eastern Slovakia. The larger the vote they can bring out, the larger will be the representation of the parties.

Consequently, every effort is made to develop the greatest possible strength on election day. The Czech, the German, the Slovak and the Magyar are eager to have their full representation, but this depends on every eligible Czech, German, Slovak and Magyar voting. The working class, the farmers, the business men are anxious to have all the parliamentary strength possible; hence they come out on the critical day. Likewise the clericals are not to be left behind at the polls, because this may affect their vital interests. One may or may not be of the opinion that twenty parties are desirable, or that proportional representation is or is not desirable, but the fact is that this is the system in vogue, I draw the conclusion that this affects in an important way the extent of the voting in Czecho-Slovakia. Probably the same cause is at work in Germany where a large vote approaching 90 per cent is also reached under similar circumstances,² but without obligatory voting.

FEW ELECTIONS AND PERMANENT REGISTRATION

Other considerations favoring a large vote in Czecho-Slovakia are the small number of elections, the relative simplicity of the ballot, and the permanent registration of all voters on official lists. These are minor considerations, perhaps, but are not to be neglected in analysing the remarkably high percentage of voters who actually come to the

² The representation falling to the various countries under this system is as follows:

Bohemia.....	157
Moravia.....	73
Slovakia.....	61
South Carpathia.....	9
	<hr/>
	300

But the actual division is made among 21 electoral districts.

polls on election day. All of them have a direct bearing on non-voting.

In view of the large amount of non-voting in the United States, it may be asked would such a law be desirable here? There are, of course, many considerations that may be advanced in behalf of such a measure, but it seems to me that the balance of the argument is against the plan.

There is little to be gained by forcibly dragging the unwilling or indifferent voter to the polls, willy nilly. Even when he comes under such circumstances he cannot be obliged to vote, and as experience in some cases shows he may cast a blank ballot as a protest. It is possible that a habit of voting might be established in the long run, but it is also possible that we might still further deepen the hostility or indifference to government which is so serious a factor in modern life. A drastically enforced law might arouse resentment and a law not enforced would create contempt.

Another difficulty lies in the field of administration. We have no lists of eligible voters at present by which we might determine whether all those who should have voted actually did vote. Of course such lists could be made, and if they were honestly and accurately made it would be well to have them. I do not say that the government is incapable of compiling them. But would the law be rigidly enforced? In a city like Chicago or New York there would inevitably be at the outset some hundreds of thousands of non-voters. Let us say in Chicago of 1,600,000 possible voters 250,000 would not vote, or in

New York twice that number. Would these persons all be notified, summoned, reprimanded or fined? Or would we have one more of the many laws that are enforced on Tuesdays and Saturdays? My prediction is that the law would not be at all adequately enforced, and would be another quasi-legal, quasi-moral obligation of the type now puzzling some conscientious citizens.

However, this is a country with 48 separate experiment stations and there is no good reason why some of them should not try it out; or some city or county for that matter. The basis is already laid for such laws by constitutional amendments in North Dakota and Massachusetts.³

A scientific treatment of non-voting must go deeper down, must deal with causes rather than with symptoms. We must find out why men do not vote and then deal with the situation as we find it.

More than that we must produce not only more voters, but more intelligent voters, who can take part in the constructive political thinking upon which in no small measure the future of the nation and of the race depends. Fifty million voters may be no better than twenty-five, unless they vote with their heads as well as with their prejudices and their ingrained hates and superficial likes and dislikes.⁴

³ See W. T. Donaldson, "Compulsory Voting and Absent Voting" (1914); J. D. Barnett "Compulsory Voting in Oregon", *American Political Science Review*, XV, 255.

⁴ Suggestions on how non-voting may be reduced are contained in the volume on *Non-Voting* by Merriam and Gosnell, Ch. IX, X.

WHY CINCINNATI VOTED FOR P. R. AND A CITY MANAGER

AND WHAT SHE INTENDS TO DO ABOUT IT

BY HENRY BENTLEY

Chairman of Cincinnati Charter Campaign Committee

ON November 4, 1924, the people of Cincinnati, by a vote of 92,510 for, 41,105 against, adopted an amendment to the Municipal charter, providing for a council of nine, elected at large by proportional representation and a city Manager, to be selected by such council. The adoption of this amendment was opposed by the local Republican party. Although in the same election the entire Republican county ticket was elected and President Coolidge received in the city of Cincinnati a vote of 92,491, the charter carried by a vote slightly larger than the vote received by President Coolidge. How it happened that the local Republican organization secured fewer than half as many votes against the charter as it polled for its presidential candidate, is the question that is asked again and again, sometimes by mere citizens and other times by the old line machine politicians. The result seems to puzzle both amateurs and professionals.

Of course, a reversal of political advice as gigantic as this would naturally arouse comment in any city. However, when it occurred in a city noted throughout the country for its peculiarly powerful political machine, the interest is greatly increased. The editor of the NATIONAL MUNICIPAL REVIEW has asked me, as the chairman of the campaign committee in charge of the Cincinnati charter amendment, to express my opinion as to the reasons for so overwhelming a victory.

The prime reason for the victory was

the fact that political conditions had become intolerable in Cincinnati and the charter amendment offered a way out. Like all simple explanations, however, this does not explain. For many years there has been dissatisfaction but the political machine has been so strongly entrenched that it has disregarded the discontent. Its task was made easier by certain peculiarities of the old charter of Cincinnati.

NO INDEPENDENT CANDIDATES POSSIBLE

The old city charter provided for the federal plan of government. It was unique in two respects. Cincinnati was the only city in the United States of America where a candidate for office could be nominated only at the primaries of a political party. No one could be nominated by petition, and no one could run as an independent. In consequence, since the Democratic party was very weak in Cincinnati, a nomination by the Republican party was equivalent to an election, and little regard was paid to the wishes of the public. Candidates were trained to feel that they were representatives not of the public, but of the party. A peculiar form of party responsibility was thus created. The party executives discussed details of administration and directed the elected officials to do or not to do certain things. The elected officials accepted the recommendation of the party executives and were content to substitute for personal responsibility, this so-called party responsibility.

The other unique feature of the charter was the form of ballot. Twenty-seven cities in Ohio had adopted charters under the home rule provision of the Ohio constitution. Twenty-six of these eliminated the use of party emblems in municipal elections. Cincinnati was the one exception among the charter cities of Ohio. It retained the eagle and the rooster in municipal elections and this made it much easier for the organization in control to poll the ignorant vote.

"PARTY RESPONSIBILITY"

These two peculiar provisions in the city charter, together with the local acceptance of the doctrine of party responsibility, made it exceedingly difficult for the popular will to express itself through the customary political channels. Under the Ohio law, the governing body of each political party is elected at the primaries in the even numbered years, while municipal elections are held in the odd numbered years. Under the Cincinnati system of party responsibility, the real governing body of the city was always elected at the primaries a year before the municipal election. The public attention was directed to state and national issues at the very moment when the real governing body of the city was being chosen. The selection of party executives was made regularly by a very small minority of citizens voting at the primaries and when the municipal election occurred a year later, it made little difference who were selected as officers of the city, because the party executives, elected the previous year, exercised complete control.

A little consideration of this system will demonstrate its security against direct frontal attack. The great majority of Cincinnatians are Republicans in national politics. In municipal elections the personality of the candi-

dates was effaced. It was openly proclaimed that the candidates accepted the doctrine of party responsibility and would be bound by the decision of the party executives. On one or two occasions, in a popular revolt the citizens had elected a Democratic mayor. However, with twenty-six wards carefully gerrymandered, the Republicans usually managed to retain control of the council. With a hostile council, the wheels of the city government could not turn, and after an experience of the futility of accomplishing any improvement in administration by electing a Democratic mayor, the voters at the next election returned the machine to power.

With a public trained to accept the doctrine of party responsibility, it was very easy to compel candidates for office to accept the same doctrine. No matter how efficient a public servant was, the public could not renominate him if he had incurred the disapproval of the party executives, and no matter how inefficient he had been, the party executives could insure him nomination to some office and a nomination in Cincinnati was equivalent to an election.

Before any movement for reform could be started, it was necessary that the public be educated to the defects of the present system. This education was begun by a little organization called the Cincinnati Association. It was organized by a small number of men, mainly ex-service men, who upon their return from the army were desirous of carrying back into civil life some of the idealism of war service. This organization began an investigation of certain specific phases of city government. For several years it held its meetings twice a month and listened to reports of special committees on specific phases of city administration. Since these discussions were non-politi-

cal, the newspapers gave them a great deal of publicity. Gradually the public began to be interested in these debates, and at the same time the members began to appreciate that behind the isolated mistakes of administration was a unified force working for inefficient government.

Out of the discussions in this organization was developed the fact that the city was being discriminated against in the division of taxes for the benefit of the county, and that the county was wasting money while the city was maintained upon starvation rations. As a result the special tax levy asked by the city officials was defeated at the polls in 1923. As the result of another paper read at the Cincinnati Association, a movement was started to abolish the party emblem in municipal elections, and petitions were circulated by the Birdless Ballot League. This movement, as was explained in the REVIEW, developed by combination with another group, into a movement for a thorough-going reform, the amendment of the city charter to provide for:

- (a) The elimination of the party emblem in municipal elections.
- (b) The nomination of candidates by petition only.
- (c) The reduction of council from thirty-two to nine, and the election at large instead of by wards.
- (d) The use of proportional representation.
- (e) The city manager form of government.

The persons interested in launching the movement selected six individuals as the executive committee, Miss Agnes Hilton, president of the Cincinnati League of Women Voters, Mrs. Guy V. Tawney, president of the Woman's City Club, and Murray Seasongood,

Guy W. Mallon, Edward F. Alexander and Henry Bentley, four lawyers, upon the theory that the amendment was a technical document and would be judged in part by the qualification of its draftsmen.

LITTLE MONEY SPENT

The minimum expense of a campaign was estimated at \$5,000. A small group of interested citizens agreed to contribute whatever sum would prove necessary to bring the popular subscription up to \$5,000. This enabled the work to start at once and also permitted the finance committee to wait until public enthusiasm was stirred before soliciting funds. The finance committee, subsequently under the chairmanship of Ralph Holterhoff, established the remarkable record of raising nearly \$10,000 and of having a balance of nearly \$1,000 in the treasury after settling all expenses of the campaign.

The first steps taken were building a women's organization. Miss Emily R. Kneubuhl was employed as educational director, and Miss Bessie Fennell as business manager. Through the wonderful assistance of the League of Women Voters and the Woman's City Club, an organization of women was perfected in twenty of the twenty-six wards in Cincinnati. Twenty ward chairmen were selected and 465 precinct workers were enlisted under them.

A speakers' bureau was organized and forty-three speakers addressed over three hundred meetings. Throughout the campaign the effort was made to present speakers to existing organizations rather than attempt to organize special meetings. By this means persons were reached who were not already convinced instead of merely those already favoring the project. The only speaker brought from the

outside during the campaign, was Dr. Augustus R. Hatton, who addressed our one specially arranged meeting at Emery Auditorium on October 18, 1924. Whenever possible, debates were staged upon the charter, and at more than two-thirds of the meetings, speakers appeared against as well as for the charter.

At each meeting addressed, cards were passed among the audience for signatures volunteering services in some capacity in the fight. In this way, seventy-five volunteers who worked during the campaign in the office, eleven persons who loaned their automobiles for service, 283 witnesses to the count on election day, and many of the 465 precinct workers were secured.

PART PLAYED BY NEWSPAPERS

Throughout the campaign, the newspapers were kept supplied with copies of the telling points made by our speakers. Walter J. Millard, assisted greatly in this work. The Cincinnati *Post* carried on a vigorous campaign for the charter. The powerful support of its able editor, Elmer Fries, and the publication of its daily cartoon by Claude Shafer were of vital influence in securing victory. The *Commercial Tribune*, the Republican morning paper, supported the charter amendment. Many thanks are due to its courageous editors, Capt. Wade G. Mountfortt and Harry Brown, for their independence in supporting the charter amendment despite the opposition of the local Republican machine. The editorial support of this paper enabled the proponents of the charter to point out the difference between being a Republican and yielding to the Republican machine all right of choice. That this point was decisive is shown by the fact that the presidential vote was: Coolidge 92,491, LaFollette 32,547, Davis

26,995, a total of over 60 per cent Republican, while the charter vote was 92,510 for and 41,105 against, nearly 70 per cent against the Republican machine direction.

The Cincinnati *Enquirer*, the Democratic morning paper, gave full publicity to the arguments presented for and against the charter, but at the last moment, a few days before election, published an editorial against the charter.

The Cincinnati *Times-Star*, the afternoon Republican paper, gave limited publicity to the arguments in favor, full publicity to arguments against the charter amendment, and editorially opposed the movement.

The Charter Committee was aided by a number of fortuitous circumstances that irritated different groups of citizens. The citizens who depended upon street cars for transportation were dissatisfied because the fare had been raised in a few years from five cents to ten cents and was still going up. The citizens who drove automobiles were angry because of the condition of the streets and particularly because it was brought out during the campaign that the city officials had diverted the automobile license fees from the repair of streets, as required by law, to other purposes. The Chamber of Commerce was incensed because council had disregarded the recommendation of an expert employed by it to investigate the gas rate, and over its protest had passed an ordinance increasing the gas rate beyond all reason. Labor was angry because of a suspicion that the candidates nominated for the state legislature by the Committee on Progressive Political Action were counted out in the Republican primaries in August. Certainly there were grounds for this suspicion when the vote in the precincts where labor

had witnesses was compared with the vote in precincts where there were no labor witnesses. The charter amendment abolished the precinct count and required a count in daylight at a central counting place. This provision appealed strongly to the men who were resentful against errors in precinct counting.

All of these fortuitous circumstances were seized upon by the Charter Committee, and the appeal for a small council, business management, and honest elections united the citizens as they had never been united before. The result was a victory so overwhelming that even the proponents of the charter can as yet scarcely realize it.

PERMANENT ORGANIZATION CREATED

A great community supper was held at the Hotel Sinton on the evening of November 19. At that meeting over six hundred of the workers in the charter campaign were gathered. Great enthusiasm was exhibited and it was felt that unless an organization was effected to secure the election of proper men for council, the victory might prove futile. A motion was made that the City Charter Executive Committee of six add to itself five members, and that this committee act as an organization committee to formulate plans to "Give the Charter a Chance."

This Committee has added to its number, Dr. John M. Withrow, John D. Ellis, Ralph Holterhoff, Philip Ziegler and Walter S. Schmidt. It has engaged permanent quarters at 18 East Fourth Street. It purposes the enrollment of members on the basis of a fee of \$1.00 per year, or service. It will divide its work into three different departments:

1. A department of study, to investigate phases of city government

and to co-operate with a bureau of municipal research which it is expected will soon be formed.

2. A department of publicity, which will endeavor, through the medium of volunteer speakers and the press, to educate the public regarding the results of the study department.
3. A department of organization, which will endeavor to perfect the ward and precinct organization of the city so as to have a human telephone system whereby facts of political significance can be carried direct to the voters. This department will also organize the witnesses and challengers for the elections, so that an honest election can be guaranteed.

It is planned to secure a budget of \$25,000 per year, on the basis of three-year subscriptions. At the Hotel Sinton the night of its organization, without individual solicitation, pledges of nearly \$2,000 a year for three years were obtained.

Of course, it is too early to determine the exact lines upon which this organization will operate. Whether it will attempt to nominate candidates or will limit its activities to indorsing candidates and endeavoring to influence the political parties to nominate acceptable candidates, this much is certain that the enthusiasm for better government aroused by the charter campaign in Cincinnati has survived the victory.

The work planned by the committee for the coming year will furnish the citizens of Cincinnati information in regard to the problems of the city. It will emphasize the importance of the position of councilman and the dignity and honor of the position. It is hoped and believed that by this means men of the type desired can be interested to

become candidates. For the first time in many years, prominent citizens are discussing the possibility of running for office. If men of the proper type can be interested as candidates, the committee believes they can be elected. There is a better opportunity in Cincinnati of electing men of the highest type, than exists in most cities, because of the fact that the population is more homogeneous. Cincinnati has a small foreign population. Over 89 per cent of its citizens are native born Americans. There is little religious antagonism, as for several years Jew and Gentile, Catholic and Protestant have pooled resources in the Community Chest Campaign.

It is too early to predict success, but the task of uniting the citizens to elect good men to council is a much easier task than the colossal effort involved in uniting 92,510 citizens to vote in favor of an abstract proposition called the charter amendment. The 92,510 citizens who voted for the charter amendment were, it is true, united against the existing government rather than in favor of the new government. The work for 1925 is planned to convert these voters from critics of poor government to active laborers for good government. Political conditions are distinctly favorable to the election of a council pledged to good government and constructive policies.

OBJECTIONS TO ZONING CONSIDERED

BY THOMAS ADAMS

Director of Surveys, Plan of New York and Its Environs

Being a reply to an Address by William P. Gest, of Philadelphia¹

THERE are, of course, people who object to zoning. There are passive and active objectors. Those who believe in the policy of *laissez-faire* and prefer to let things drift—because the evils of control are, in their minds, greater than the evils that arise from unrestricted growth—may not actively protest against zoning, but think it wasted effort. Then there are those who actively oppose enlargements of government power to prohibit doing things that they allege are not proved to be undesirable; and are still less proved to be improper.

Probably the most carefully prepared statement against zoning has been made by William P. Gest, of

Philadelphia. Mr. Gest has been accused of making an unfair attack on the principle of zoning. I cannot detect any unfairness, but merely an excess of zeal of a protagonist to prove his case and an effort to capitalize every argument against something he instinctively believes to be wrong. In spite of evident bias, the statement is made with a cleverness and sincerity that justifies an effort to answer it.

Mr. Gest mars his case by objections to the kind of isolated injury to some, or unfair benefit to others, that any change of system must cause. For instance, the very first objection hinted at is to the monopoly that would be granted to an existing store in a residential district—because no more stores are permitted. But this is obviously the kind of isolated result, not of zoning but of the fact that in dealing with es-

¹ Address by William P. Gest, president of the Fidelity Trust Company, of Philadelphia, delivered before the Forum of the Philadelphia Chapter of the American Institute of Banking.

established conditions it cannot be retro-active. That is not a real objection to the application of zoning, but to the fact that its application has been too long delayed. And the author would be the first to see and condemn retro-active zoning.

RELATION OF HIGH BUILDINGS TO SPACES SURROUNDING THEM

He sees that one effect of limiting the height of buildings to from one to three times the width of a street would result in some part of the value of unimproved real estate being transferred to other improved property. Here again the objection would be relevant against all improvements or raising of standards above existing conditions, no matter how necessary these might be.

The author questions the correctness of the assumption that high buildings are a detriment. They are, in his view, a modern necessity, and for health are much better than old-fashioned buildings. But zoning is not based on the assumption that high buildings are detrimental or unnecessary. What zoning really seeks to do is not to limit heights or bulks of buildings, but to adjust the scale of these heights and bulks to the space surrounding them. That adjustment may involve limitation of height as an incident in securing proper scale, but the cause of that limitation is the inadequacy of the adjoining open space—and owners of property should either give more open space as they increase heights or limit heights to conform with existing space so far as necessary in the interest of health and safety. Mr. Gest, however, makes this claim against a proposed ordinance that permits buildings to be three times the width of the street. Can it be said with seriousness that buildings of a greater height than three times the width of a street are necessary and desirable,

or that the assumption that they are has any more facts to support it than the assumption that they are not? It is a fact that Manhattan, with the greatest number of high buildings, has no greater average concentration of floor space than the central areas of London and Paris—the average for the island being four and eight-tenths stories. It has still to be proved that a much higher average is economically practicable, as experience is gained of lowering revenues resulting from street congestion and dark interiors when high buildings become the rule instead of the scattered exception. The author overstates his case in referring to the health of the new high building as compared with the old low building. The proper comparison would be between the new buildings covering whole blocks and overshadowing streets having a width of one-third the height of the buildings—and other new buildings one-third the height and penetrated with sunshine, light, and air.

IS PROPERTY IMPAIRED?

The author's fear that restriction of density of buildings on lots would take away the value of property is groundless if the zoning regulations were as reasonable as in New York—where the practical experience is that the restrictions do not diminish if they do not add to values. The tendency of owners in New York has been to ask for more rather than less restriction, in their private interest. Therefore the benefit that goes to the public is a created benefit and not something that the owner transfers to the public without compensation. One owner may lose, but not without power to appeal against loss, but owners on the average gain. Isolated cases of loss prove nothing.

Control of real property does not pass from the owners under reasonable

zoning restrictions any more than it does under building codes or street regulations. The author would agree to a gradual improvement of building laws and therefore to restriction of use of real property. The benefits he claims for generality and uniformity of laws are based on the fallacy that all parts of a city are alike in the character of their development, and that such a thing as equitable uniformity of regulation in a modern city is possible.

Having begun with such arguments as I have indicated, it is not surprising that the author fails in his attempt to formulate the principles on which a zoning ordinance is based. Under zoning, properly applied, the control of property by a central authority would be subject first to the consent of the great majority of owners in a zone, and second to a right of appeal against the proposed regulation or its continuance. It is only the theory of the author that the owner would suffer damage, and practice proves the contrary, as a rule. Other statements based on this theory, consequently, fall to the ground.

AMERICAN AND GERMAN METHODS CONFUSED

The author may have some ground for the claim that the administration of zoning in Philadelphia would be bad, but that is an objection on political grounds and is no argument against the principle of zoning. The "ifs" expressed in regard to transfer of values, the benefits to the rich at the expense of the poor, etc., are based on assumptions that the administration will be bad and that the zoning regulations will be unreasonable—neither of which affects the soundness of the principle. Zoning which goes against economic trends is, of course, wrongful zoning—but while every good thing under the sun can be abused, that is no reason to object to its

use. The fact that Germany has used autocratic methods in applying zoning is not a reason to object to zoning, but to the autocratic methods. The benefits that have accrued to German cities from city planning and zoning are not to be condemned because of objections to German people and methods on other counts. Such benefits as there are,—and they are not unmixed with injury to social life, as Dr. Stubben points out,—have been obtained under methods that are obnoxious to American people. But that need not blind Americans to the merits of zoning even under German conditions or to the benefits which can be obtained by methods that are entirely in conformity with American conditions and traditions. Zoning as it has been and is being carried out in America may be claimed to have received some of its stimulus from Germany, but it does not and happily could not be imposed by German methods. The housing conditions in Berlin are as bad as painted by the authorities quoted by Mr. Gest, but they are the product of conditions that existed prior to zoning, and it is in order to improve these conditions that city planning and zoning have been promoted in German cities.

The truth of Mr. Gest's statement that the experience of German cities is not applicable to American cities cannot be gainsaid. The need for pointing it out is a real need in view of much trumpeting of claims of efficiency for German city government. But all this is beside the question so far as the soundness or otherwise of American zoning is concerned. *American zoning is an American product adapted to American institutions, and it is significant that England is turning to America to imitate its zoning policy because of the fact that no such system exists in Europe.*

DO LIFE AND LIBERTY RANK WITH PROPERTY?

The author quotes the fifth amendment to the constitution of the United States, in the words: "No person . . . shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation." He shows his bias by putting this quotation under the heading of "Property not to be taken without compensation." Why all this emphasis on property rather than on life and liberty? Is not the erection of buildings that are injurious to health a deprivation of life and liberty, and are not sunshine and air-space that cannot be obtained in the excessively high building essential to health and therefore to enjoyment of life? Are not limitations on the use of property that are necessary to the life and liberty of the greater number, merely the deprivation of the right to the lesser value (property) to prevent the deprivation of the greater value (life)?

Is there not a question of injustice involved under the constitution when the use that one man makes of his property deprives his neighbors of their property? If I erect a high building that deprives an adjoining owner of light and air for his building, is not that a taking of property without compensation, and would not it be the proper function of government to prevent such injury? The "utmost development of liberty" is only possible with the restraint of license. Or as Mr. Gest quotes from Montesquieu, with apparent approval:

"In order to have this liberty, it is requisite that the government be so constituted as one man needs not be afraid of another."

The effect of the erection of a building so high that it casts a shadow on

adjoining lots, or of putting a corner grocery in a residential street, or of putting a noxious industry in a district used for homes, is to destroy property and to give one man the power to cause others to be afraid of the unintentional malice of his neighbor. It is therefore destructive of liberty.

The question raised by the author as to whether a zoning ordinance is really an exercise of the police power does not need an answer. It has been answered affirmatively in unmistakable terms by the courts of the land.

In his final paragraph the author quotes Washington who said that the government of this country "can never be in danger of degenerating into a monarchy, an oligarchy, or an aristocracy or any other despotic or oppressive form so long as there shall remain any virtue in the body of the people." How true this is, in a sense that demolishes much of the argument of Mr. Gest—in the sense of requiring that the virtue in the body of the people shall not be injured by the passion of gain by the few.

In addition to the tradition of political and social independence which Washington left behind him as an inspiration and guide to the American people, was the tradition he created by planning the city of Washington. As Thomas Nelson Page says, he was the creative and compelling force and combined with Jefferson to produce the breadth and greatness of the plan. He had his difficulties with owners, such as the "Obstinate Mr. Burns," but united with Jefferson in the determination to lay off the capital city on lines which should be worthy of the country as they foresaw it. Washington and Jefferson paid no attention to the scoffers or to the ridicule, but proceeded with their large conception.¹

¹ "Washington and Its Romance," by Thomas Nelson Page.

MUNICIPAL GOVERNMENT IN THE UNITED STATES: SOME IMPRESSIONS

BY I. G. GIBBON

Assistant Secretary, Ministry of Health, Great Britain

Mr. Gibbon, who has long been associated with the central supervising authority having jurisdiction over municipal administration in England and Wales, recently visited the United States. :: :: ::

1. BEWILDERMENT at the almost tropical diversity of the forms of government, admiration of much of the splendid work that is being done, intense interest in the whirl of municipal experiments—these are some of the impressions left on the mind of an outside observer, who is daily engaged in the problem of municipal government, after a survey of the multitudinous efforts which are being made in the United States to justify the ways of democracy to efficiency.

One sometimes wonders how many of the busy citizens of the States really believe in their heart of hearts in the virtues of democracy for municipal administration. Not a few of the efforts which are being made appear to be an endeavor to apply to municipal government the autocratic methods of administration which are deemed efficient in the world of private business.

On the one side flourishes the system under which far the greatest part of the government of a city is placed for a term of years in the hands of one man, elected by popular vote, it is true, but a temporary Caesar in his sphere, if he be possessed of the necessary force of character. On the other side, however, are still found in plenty primitive methods of government, such as the popular election of many officers with executive or even judicial duties, a system which, to one accustomed to more developed conditions, would ap-

pear to be safely applicable only in a simple community whose ways are plain and where knowledge of the affairs and characters and abilities of its members are well known to each other so that popular election would not be likely to go far wrong in choosing the man required for a particular post. This jostling of the old and the new, the devout tribute to democracy side by side with the uneasy striving for the ways of modern business, is doubtless part of the price paid for the youthful immaturity and the restless vigor of urban America.

2. To one accustomed to local government in England and Wales, there are few things more striking than the tendency in the States to concentrate authority and responsibility in one person.

I am not sure that this practice might not even be condemned here as "undemocratic"—such a system which does not provide that the ultimate control in the general sphere of local administration shall rest with an elected representative council, and places responsibility largely with one officer, elected though he be. There is, of course, no reason for declaring this less democratic than the council system, both equally being devices for securing that the will of the people shall prevail. But whereas the British citizen is inclined to be wary of anything approaching seeming autocracy, national or

local, the citizen of the States tends to pin his faith to one-man control—a difference which admits of an interesting historical explanation. The special circumstances which have arisen in the States to make acceptable this concentration of authority have not occurred in this country; and any measure of that kind would be quite alien to our development.

While the powerful position of the mayor in many cities is, on the whole, to an outsider the most striking feature of municipal government in the States, the most interesting recent development is, of course, that of the city manager. This movement is of particular significance to us in Great Britain because we also have the problem, not yet satisfactorily solved, of unity of official control, of the proper co-ordination of the various municipal departments so as to secure the highest measure of efficiency of the whole machine.

I had the good fortune to attend the conference of city managers at Montreal, and I was much impressed by the knowledge, ability and the zeal which was brought to bear by the city managers on their work. We in England and Wales are happy in the service of a permanent municipal personnel which, for ability and devotion to duty, stands unsurpassed. There is, in my experience, far more of this permanent element in the municipal life of the States than is generally credited; but there is undoubtedly room for development, and the possibilities of the city manager movement in this connection are great.

3. *The future of the city manager form of government is imperiled, it seems to me, by the incursion of city managers into matters of policy.*

I was much impressed by the way in which the city manager is often involved in questions of policy, how, in

some cases, at least, he has to go into the highways and byways and publicly advocate measures—a practice which, in this country, would not be countenanced in an official employed by a corporation.

I have not in mind the case of Cleveland—where the circumstances are, I judge, quite special. The very able city manager there seems to be more in the position of a “strong mayor,” the difference being that he is chosen by the council, not directly by the electorate; and it seems at least open to question whether, in the particular conditions prevailing at Cleveland, any other course was immediately practicable.

Nor am I venturing to criticize the measures taken by city managers generally, measures which are obviously determined by the circumstances of time and place, by the prevailing opinion and expectations of the electorate.

It is manifest, however, that in so far as an executive officer becomes identified, much less becomes a leading advocate, of a particular policy, his fate, and not only his own fate but that of the system of which he is a pattern, may be determined by that of the policy—and policy notoriously changes in a democratic community, inevitably so. For an executive officer to hold himself aloof from the advocacy of a particular program with which he is in fullest sympathy, which he may consider of vital concern for the well-being of the community which he serves, may easily result in reduced efficiency for the time being; but the general principle of the security of executive tenure may be of even greater weight in the long run, and, if that principle is endangered, the immediate advantage may be small as compared with the enduring loss.

With us in this country, few munic-

ipal officers possess statutory security of tenure; the security which is theirs is the fruit of tradition; and one of its essential conditions is that officials do not become public advocates of policy, but serve their councils to the best of their ability, even though they may privately not agree with some of their measures.

I should be inclined to say that one of the conditions of a sure future for the city manager type of government, and especially its extension to the largest cities, is that some means be devised, wholly outside the city manager, for the public advocacy and defense of measures of policy.

The candid recognition, and practice, of the limited sphere of the executive officer is essential to his highest efficiency and best service to the community.

4. *Attention appears to be concentrated on the machinery of executive government to the comparative neglect of the at least equally important machinery for deciding policy.*

A large amount of thought and practical effort is manifestly being devoted towards devising that machinery of local government which will yield the best results in the prevailing conditions, but most of this attention appears to be directed to executive machinery. Its fitness for this purpose constitutes, I imagine, the chief claim of the city manager form of government, and great is its claim, and rightly so, in this respect.

The machinery for determining policy is, however, at least equally important, even more important, some might say, because more fundamental.

I am well aware that this field is by no means being wholly neglected—the small council, election of councillors or commissioners by the whole city or at least by very much enlarged wards, proportional representation, these and

other devices are advocated, and sometimes adopted, to secure a legislative body of high calibre and wider views. But it is the executive part of the machine which, for the moment at any rate, appears to arouse most interest and to receive most attention—largely, no doubt, because a new star of promising beneficence, the city manager, has appeared in that part of the horizon.

We in this country would probably be inclined to say that, if the choice had to be made (fortunately it need not), of the two we should first concentrate on getting the best machinery for policy; but that is partly perhaps because of our sense of security on the executive side, in possessing so excellent a municipal service.

5. *The absence of any central control or co-ordination of municipal work is in striking contrast with the conditions in England and Wales, and it seems a matter for consideration whether the efficiency of local government would not be helped if the several States undertook a larger part in assisting local administration.*

I do not suggest that the conditions in this country are necessarily adapted for the States or indeed that our system is not open to improvement. But it is manifest that, in the multitudinous and far-reaching activities of local authorities at the present day, there is ample room for wide co-operation between central departments and local authorities, the more so that distances become more and more shortened and communities live less and less to themselves alone.

It is significant that municipalities in this country are not subject to the narrow taxing limits which are sometimes thought necessary in the States, nor are they so hampered in their borrowing powers. This wider range of freedom arises in part at least from

the existence of central departments which exercise some general, and friendly, supervision.

The system of grants-in-aid, now gradually raising its branches in the States, which has already grown into a huge bay tree in this country, with many things in its shadow, must inevitably lead to closer co-operation between central departments and local authorities. But quite apart from this particular cause, matters of local administration are increasingly becoming not matters solely, however emphatically they may be primarily, of local concern. The state must take a hand, remembering always, however, that the worst service is interference which kills local spirit and local initiative.

Among the chief services which a central department can render is that of friendly help and guidance, and, judging by the activities of the department of commerce under Mr. Hoover, this feeling is finding deep root even in the federal government in the States. Any central department which is in touch with hundreds of local authorities up and down the country, sees their work, knows of their experiments and the results, is in a position in its daily work to pick the brains of the best municipal officials up and down the land, should accumulate a store of information which, placed freely at the disposal of local governing bodies

through competent officers, cannot but be of inestimable value for local administration.

6. There are many other matters on which I am tempted to touch, particularly that all-important question of the real live interest of the electorate, a problem which confronts us here, but far more difficult in the States, with its mixed city populations; also the striking part played by voluntary organizations in municipal enlightenment, especially the various research bureaus, to which, not having just that need, we have no counterpart.

I have scratched only a few small scattered patches on the wide field of local government. I could have filled many pages with praise of many excellent things done—of zoning (one of my pleasantest recollections is being shown by Mr. Bassett round the district of Flatbush which has grown up under the zoning law of New York), of the many admirable boulevards, of the many pleasant parks, of the control of the tempestuous traffic, of the admirable lay-out of many estates, of smoke prevention. But I must ask my readers to take all these praises for granted, as also mention of the things which we can profitably learn from municipal effort in the States; I have restricted myself in brief space to what, I gather, is chiefly desired, some constructive criticism—which is given with much reserve.

WHAT ONE SMALL CITY HAS DONE

STRATFORD, CONNECTICUT, UNDER THE TOWN MANAGER FORM OF GOVERNMENT

BY NESTOR LIGHT

The story of steady progress of a New England city of 15,000 population during less than three years of manager government. :: ::

THE Stratford town government which was displaced by the city manager form in 1921 was of venerable lineage. No lover of his country can fail of a certain pride in the town government of New England. In its public meetings many statesmen gained their first lessons in government and laid the foundation of their success in life. It was simple and rudely efficient; plain men understood it and worked it. Because it was so adaptable it was the means of easily organizing new communities for self-government. But it has its weaknesses, which promptly appear as towns develop into cities. Experience has shown that it easily lends itself to the ways of grafters and embezzlers. It is a system that makes a board of three selectmen not only the executive of a municipality but also its legislature. Moreover, as in Stratford, the selectmen registered their ordinances in their own private records, if anywhere, and took them with them as they passed out of office. The same was true of their accounts.

MONEY SCARCE

The town manager government started, however, with certain handicaps. The town was like some patients that consult a physician; it had so many symptoms it was difficult to decide where to begin. It had all kinds of needs and no money with which to meet them. And just then the financial

slump struck it. A program of economy was strictly necessary. But it had the backing of a fine electorate, made up partly of the old stock of the town, which had a long record of successful and often distinguished sons, and new stock recruited from the industries of Bridgeport, people of intelligence and ability, and what is more, a sincere desire to see the town well governed and progressive.

With little delay the new government got under way and began scoring both in things done and in the ways and means of doing them. The streets and roads of Stratford still show a backward condition due to lack of planning of the government and lack of public spirit on the part of property holders. But improvement since the new government began to function is more and more noticeable. It was understood at last that Stratford was destined to a great expansion in the future as an industrial community. Already a goodly number of Bridgeport industries and two national corporations had settled in the town. Plainly others were coming. A planning board was soon appointed, composed of the best engineering ability of the town. Without cost to the town the board labored conscientiously, in close co-operation with the town manager and the council, to plan for the future.

The town was zoned without great difficulty, a thing still impossible in larger municipalities. Residential dis-

tracts were delimited and reserved from encroachment. Business now may know where it can and where it cannot locate. Light and heavy manufacturing districts are distinguished. Some portions were reserved for parks. The "rude forefathers of the hamlet" never dreamed of the possible growth of the town. They had on their farms all the beauty and breathing places they needed, but to-day parks are essential to the health and well-being of an industrial population. Suitable building construction only is now permitted in each district. This protects the property holder from encroachments of buildings belonging outside the zone. Probable future arteries of traffic were given consideration. As many as four streets had claimed the same name. This was remedied. Where as many as four names were given to separate portions of the same street, one name was chosen to cover the street.

But few streets had been surveyed and profiled. The new administration has surveyed, profiled and established by ordinance a legal grade for each of the principal streets. The records are on file so that any resident may obtain on short notice the street line and grade for a sidewalk or curb. Thus a much neglected public service has been rendered. To see the great thoroughfares that mean so much for the constant traffic that passes over them and that show either the dignity of the town or its slackness and inadequacy is to feel at once the importance of this great accomplishment. Curbs and grades in the town, have generally been given more attention, to the public benefit. Building lines have been established so as to prohibit the freak builder from placing his structure too near the street lines. This insures uniformity in the location of buildings on any street and conserves its contour. Following as-

sured lines of progress, sidewalks to the number of approximately five miles have been ordered laid. Unfortunately too many residents of Stratford have been content to walk on sidewalks furnished by their neighbors, refusing to build for themselves. The town is hoping that, under the leadership of the new government, civic pride will be awakened so as to carry the building of sidewalks much farther. A sidewalk is at once a civilizer and an evidence of civilization. It protects and beautifies a residence as well as facilitating business and social intercourse. Certainly great progress has been made and is in the making.

EMPHASIS ON STREET IMPROVEMENT

Our versatile town manager plans largely for the town welfare, rules it, oversees its finances, but especially has elected to look after its roads, turning his engineering ability directly upon the practical problems presented. First of all let it be noted, the town is so situated, being on great lines of travel, in an industrial commonwealth, and furnishing links between New York and all New England almost, that there is an incessant hunger in it for new and improved roads. This the manager is constantly endeavoring to satisfy. The roads have been classified. Some are new and can receive but little attention others are of great and permanent value. An attempt is being successfully made to meet the need according to its greatness. To build good roads requires good workmen. Simple proposition, but would it not be easy to find hundreds of towns that violate it? Mr. Hunter has an organized body of workers. Strange words these in town road building. No, not a mob of loafers leaning on their hoe handles who can vote and whose votes must be forthcoming in the next election! Yes, a bunch of men who work for the town as

efficiently as for a private business. A citizen of the town watched them work not long ago and then turned to a neighbor with the rueful remark "I wish I could get men to work for me like that." But in the face of urgent need and a labor shortage something more was needed, labor saving machinery to add to the ability of the workers. Road making machinery has been purchased, steam roller, tractor and other helps. The result has been miles of such good roads as have set the men of neighboring towns talking. Already the town has the best roads in its history. The forecast is for such roads as to be the envy of other towns.

Incidental to this progress and the fact that building homes never ceases in Stratford the building code has been revised and brought up to date as respects construction, plumbing and sanitation. Stratford has the opportunity to shut out the collapsible building. Something also can be done to hold in check the unsightly and the unseemly.

Attention has been given to fire prevention and fire fighting. The fire department has been required to inspect two or three times a year all public and semi-public buildings to see that no fire hazards exist, such as collections of rubbish or other inflammable substances, gasoline tanks, matches and the like. This reduced the loss by fire by about \$65,000 the first year. A new modern fire truck at a cost of \$12,000 has been purchased as the main reliance in fighting fires. This gives chemical help for small fires, high pressure pumping engine for larger ones and a combination hose truck. It is highly efficient. The town is looking forward to a fully equipped modern fire fighting plant equal to the severest demands.

The drainage problem of Stratford is most important. The town is in the

water shed of the Housatonic River. The region has a heavy rainfall. In parts the level of the land is but little above that of the river; in others it rises to a comparatively high altitude. Sudden down pours of rain have been wont to choke the drains. Due to parsimony and lack of vision the drainage of the town had been neglected. The new government took up the matter quite promptly. A topographical map was secured and enlarged; on it the water courses and runways are noted by districts. A comprehensive plan of draining the town was mapped out. Now runways and culverts are laid down to meet present and future demands. As new streets are opened and as areas now sparsely occupied increase in population, the drainage will be such as to meet the demand no matter how great. The importance of this in facilitating the growth and comfort of the town and in conserving the health of its citizens can hardly be overestimated.

BUDGET SYSTEM HELPS

On the financial side the new government began to score soon after taking office. A new and modern system of accounting was instituted. By another move the town was put on an annual budget. With total assets of \$2,699,915, with total property of \$1,793,255, with annual receipts around \$130,000, with total expenditures around \$460,000, with salaries, expenses of departments and bonded debt to finance, a budget is of great value. The first one was tentative; it drew criticisms and suggestions which were all carefully considered before adopting it. Now it is an annual feature of the government. One of the most constant criticisms of the old government had been political assessments; favoritism in collecting taxes, mistakes, payment of political debts, conferring

favors to obtain future influence and sway elections. Both on that account and for its own information and protection the new government determined upon an altogether new assessment. For this they employed the Manufacturer's Appraisal Company. This is a large concern that employs a corps of experts. They made an impartial and scientific appraisal of all the real estate of Stratford. A card index of each piece of property is now on file at the Town Hall. In case of dispute all the data is there for consultation and comparison with other property. This is giving increased satisfaction. Those who claim mistakes are satisfied more and more easily. Meanwhile the grand list of \$18,500,000 receives general acquiescence as a basis of financing the government. Naturally, valuable results were soon in evidence. The service of the town has been increased but the tax rate has been reduced 20 per cent. This past fiscal year the total indebtedness of the town has been reduced by \$118,000. The bonded debt of the town has been refinanced. The major portion of the debt was in the form of long term bonds. These have been replaced by the issue of serial bonds which insures the town against negligence in paying off the indebtedness. And as the rate is lower, there is a substantial reduction in the interest. Another result is the purchase of the real estate necessary on which to build a new town hall. The present structure has been outgrown. As the gov-

ernment expands, as it surely will, a new building must somehow be forthcoming. The funds for this purchase have been obtained by economy in expenditures which were less than the appropriations. Financing for road maintenance and construction has been fixed for each class according as it is of greater or less permanence.

Provision has been made by which the property owner may pay for improvements over a period of years, an installment each year.

PLANNING AHEAD

This administration has two very interesting landmarks. It has accepted the gift of the Sterling family of Sterling Memorial Hall. This is a memorial of the Sterling family and of the young men who served the nation in the War. The building is of cut stone in the Romanesque style of architecture and blends harmoniously with the Blakeman Public Library beside which it stands.

The town has bought 50 acres of park land adjoining Short Beach, which it owns, thus adding to its park system, keeping ever in view a future when parks will be a vital necessity. The intention also is to provide recreation as ability increases. There are many who are enthusiastic over the new government. Some, like the present writer, claim with confidence that the town manager form has given to Stratford the ablest municipal administration in the state of Connecticut.

THE PRO AND CON OF ANNEXATION OF SUBURBS

ILLUSTRATED BY THE SITUATION IN CLEVELAND

BY ERWIN N. GRISWOLD

Oberlin College

So many cities are face to face with the desirability as well as difficulty of annexation, that we think our readers will be interested in this special study of one city. :: :: :: :: :: :: :: ::

LARGE cities invariably have suburbs. Frequently these suburbs are continuations of the city itself and it is almost impossible to find the line of separation. Any man's interests are at first glance practically the same whether he lives in city or suburb. And yet these suburbs are politically entirely distinct from the city. The question soon arises when city and suburb have grown together and to considerable size: Why not join these suburbs to the city, and thus consolidate administration, lessen expense, and add to the size, commercial wealth and prestige of the city?

In Cuyahoga county, Ohio, there are now three large cities and numerous smaller ones. By far the greatest of these is Cleveland, with a population of over 800,000. But there are two major suburbs, Lakewood, with a population of about 60,000, and East Cleveland, numbering over 40,000 inhabitants. This paper will be concerned with the question of the annexation of East Cleveland to the city of Cleveland.

Ever since Cleveland grew out to East Cleveland's boundaries, there has been agitation to annex the suburb to the city. The matter has come to a vote but once. On November 8, 1916, East Cleveland defeated annexation by a vote of 1,591 for and 2,755 against. For a while the matter lay dormant, but in a few years consolidation was

again urged, and there is now much agitation and sentiment in favor of joining the two municipalities.

REASONS ADVANCED IN FAVOR OF ANNEXATION

Annexation has in general been urged by the citizens of Cleveland. The press of Cleveland which circulates as much in the suburb as in the city itself has been especially strong in its support of annexation. The *Cleveland Plain Dealer*, in August, 1920, printed daily for over two weeks a different reason in favor of annexation in connection with a coming annexation election in Lakewood and West Park, two of Cleveland's western suburbs. The interest of Cleveland in the annexation of its suburbs is largely to increase the size and prestige of the city. Cleveland wants to pass Detroit in the next census.

The reasons actually advanced in favor of annexation may be divided into eight classes. They are put forward by the people and press of Cleveland and by many of the people of East Cleveland to convince the suburbanites that East Cleveland should be merged with the big city.

First, say the annexationists, the existence of East Cleveland as a separate city is illogical and irrational. The two cities are different in no way except politically. Annexation means genuine Cleveland citizenship to every resi-

dent of the suburb, and a larger, greater, metropolitan citizenship to those already in Cleveland. Citizens of East Cleveland have their offices in Cleveland; they do their buying in Cleveland. Why should they not join in Cleveland's government?

Second, the annexationists attempt to appeal to the sense of justice of the suburban people. East Clevelanders use Cleveland's streets far more than Clevelanders use East Cleveland's streets. Cleveland has large parks, and beaches, and zoos, and libraries, which are maintained at Cleveland's expense, but which are enjoyed by all including the people of East Cleveland. Should not East Cleveland join with Cleveland to share the expense of maintaining the benefits she enjoys?

A *third* reason urged is in connection with water rates. The suburbs now buy their water from Cleveland at wholesale rates which are higher to begin with than the rate which Cleveland charges its residents. If annexed, all residents of East Cleveland would get water at the same rates charged in Cleveland.

A *fourth* reason advanced for annexation is that the suburbs will be assured of better and less expensive garbage, rubbish, and sewage disposal. Cleveland has recently spent much money in connection with a reduction plant and it is claimed that annexation would mean that the suburbs would share with Cleveland the advantages of this plant.

Fifth, promises are made that if the suburbs are annexed restrictions designed to preserve the suburbs as primarily residential districts will be preserved. Zoning ordinances, it is said, will be retained in effect, and the suburbs can maintain their essentially residential character.

A *sixth* reason urged is that in Cleveland only about 15 per cent of the taxes

raised are levied on homes. Cleveland has large business enterprises which are made to bear the greater part of the burden of taxation. Thus it is claimed that Cleveland has superior ability to finance schools and municipal enterprises of every kind without placing undue burdens on the home owner.

As a *seventh* argument annexationists promise East Cleveland representation on Cleveland's council. Under the old mayor and council system East Cleveland would have become a ward in Cleveland, and under the new city manager charter with proportional representation East Cleveland would share in the election of councilmen and would have one or more members in the Cleveland council.

Eighth and finally, it is contended that the suburbs would gain by becoming a part of Cleveland's great school system. Cleveland has large high schools, offering many and varied courses, and children of East Cleveland would be allowed to profit by these advantages were it annexed to the city.

REASONS ADVANCED AGAINST ANNEXATION

The anti-annexation sentiment is entirely in the suburbs and consequently it does not receive the publicity from the Cleveland newspapers that is accorded to the pro-annexation views. In general there are two very simple reasons advanced by those who favor East Cleveland's remaining a separate city. They are, first, that they fail to see that anything would be gained by the people of East Cleveland by annexation, and second, that the residents of East Cleveland would lose a great deal by being annexed to Cleveland.

The arguments listed above of those who favor annexation are easily disposed of by the suburbanites:

First, actual Cleveland citizenship for each citizen of the suburb is of little

or no value, say the people of East Cleveland, as long as they are free to come and go and do business in the city.

Second, East Clevelanders say that there is nothing unjust in the existing relation of the suburb to the city. East Cleveland has a large park with athletic fields and a swimming pool which, it is observed, are used quite freely by Clevelanders. The suburban people may make their money in Cleveland, but they spend it there too.

Third, the question about water rates is said to be of very little importance, as residents of East Cleveland have to pay very little more for their water than do the residents of Cleveland, and this is made up by taxes assessed in Cleveland to pay for improvements to the water-works system.

Fourth, East Clevelanders laugh at the claims of advantages to be gained through annexation in connection with garbage, rubbish, and sewage disposal. It is well known that Cleveland has in the past given consistently poor service in these matters.

Fifth, the fifth claim of the annexationists does not promise any advantage to East Cleveland, but merely gives a feeble promise that an already existing situation will be maintained. To promise that East Cleveland's zoning laws will continue in force does not offer any advantage to East Cleveland which it does not now have as a separate city.

Sixth, in spite of the great wealth and large manufacturing and industrial interests in Cleveland, taxes in the city are not perceptibly lower and Cleveland's indebtedness is enormous. Annexation to Cleveland would mean no lower taxes and it would mean that East Cleveland would have to shoulder a share of the burden of paying the interest and principal of Cleveland's huge bonded debts.

Seventh, East Cleveland sees readily that it would lose in representation by being annexed to Cleveland. It already has the commission-manager form of government, and where it now has five members on its own commission it would have perhaps not more than one on a Cleveland council with a total membership of twenty-five, and even that one would not be guaranteed under proportional representation. East Cleveland now has in its own government one representative for every eight thousand of its population; if it were annexed there would be but one representative for forty thousand.

Eighth, as to educational advantages, East Cleveland feels quite sure that it would lose by annexation. It now has six elementary schools and a fine large high school and technical school. Cleveland schools are crowded, and the Cleveland school board is forced to use temporary, portable structures for the instruction of many children, while East Cleveland schools, though full, are not overcrowded. It is quite probable that after annexation, Cleveland children would be transferred to the East Cleveland schools, and that much of East Cleveland's fine equipment would be distributed to various other parts of the city.

EXPERIENCES OF OTHER SUBURBS

To what extent opposition to annexation is justified may in a measure be determined by the experiences of former suburbs which have already been annexed to Cleveland in the course of its growth. In 1910 the city of Collinwood was annexed to Cleveland. Collinwood is east of Cleveland and just north of East Cleveland. At the time of its annexation Collinwood had large and adequate schools. Now the school children of Collinwood are housed in dozens of sheet-iron, portable schoolhouses. In November, 1922,

West Park voted to be annexed to Cleveland, and in January, 1923, it became a part—Ward 33—of Cleveland. Before its annexation many promises were made to its citizens, similar to those now made to the people of East Cleveland; since its annexation very few of these promises have been fulfilled. West Park was promised adequate street car service for the same fare as that paid by Clevelanders. West Park is now paying nine-cent fare and has a car every eighteen minutes though it is a part of the city of Cleveland. Last May the Cleveland council asked the Cleveland Railway Company to extend service to all sections of the city, including West Park, at the city rate of fare, six cents, but the railway company refused to do so. West Park's schools had, at the time of annexation, fine equipment and excellent teachers. Immediately after annexation, much of the equipment and many of the teachers were transferred to other schools in Cleveland. All this was in defiance of pre-election promises, but West Park's one representative in the council was unable to prevent it. East Cleveland's fears appear to be warranted by the experiences of other suburbs; it does not desire to be annexed to Cleveland, and it is probable that it will be a long time until there is such a desire.

SOLUTIONS OF THE PROBLEMS

And yet as the two cities grow some form of consolidation of their political administrations will be necessary. East Cleveland cannot, to the advantage of all concerned, continue as a separate city when Cleveland has entirely surrounded it. Two solutions of this problem have been advanced. One is the city-county merger plan, and the other is the borough plan, similar to the system in use in New York City.

The city-county merger plan, urged by a group of Cleveland annexationists in 1920, provides that any county in the state containing a city with over 100,000 population may merge the city and the entire county into one municipal organization. In other words, it virtually provides for the annexation of the suburbs to the city, for the city would, of course, dominate any such merger. This plan, however, was opposed because it amounted to forcing the suburbs into the city without their consent, and when preparations were made to introduce a bill into the legislature for the purpose of giving it legal sanction, the idea soon lost many of its supporters and was eventually dropped because of the manifest injustice it would work on the suburbs.

More favor has recently been shown to the borough plan as exemplified by the system in use in New York City. Under this plan all suburbs would be annexed to the city, but the city would be divided into boroughs and each borough would look after its own local affairs. Thus the city of East Cleveland would become the borough of East Cleveland in the city of Cleveland. Each of the suburbs would thus maintain its own individuality, yet each would be a real part of the city of Cleveland.

The people of East Cleveland would look with great favor upon a plan which would enable them to co-operate completely with Cleveland but at the same time maintain their own individuality and self-government. At present the suburbs and city are co-operating through regular meetings of their various executives. But such co-operation is of necessity of little avail and little is accomplished in these meetings of mayors and managers. It is probable that the solution of the problem of the consolidation of the city and its suburbs lies in the adoption

of some form of a borough plan of government.

While this paper has endeavored to show some of the problems involved in the question of the annexation of East Cleveland to Cleveland, it is believed that the specific problems here presented are in a large measure common to many other large cities. Not only does Cleveland have its East

Cleveland and also its Lakewood, but Chicago has its Evanston and its Oak Park, Boston has numerous large suburbs, and many other cities are confronted with the same problem. In conclusion, the writer is of the opinion that some form of the borough plan will have to be adopted in order to consolidate contiguous cities and at the same time insure justice to the suburbs.

THE INDIANA SCHEME OF CENTRAL SUPER-VISION OF LOCAL EXPENDITURES

BY PHILIP ZOERCHER

Member, Indiana State Board of Tax Commissioners

Indiana has gone further than any other state in the way of central administrative control of local finances. :: :: :: ::

DIFFERENT remedies have been applied in controlling public expenditures. Some advocate the fixing of a limit to the tax rate; others favor the idea of limiting the expenses to the amount spent the previous year plus a small per cent of increase for the current year, and still others favor the plan of controlling local expenditures by means of the budget system and giving the taxpayers a right of appeal from all bond issues and tax levies to a centralized board freed from local influences.

The experience of Ohio in dealing with a fixed limit to the tax rate is sufficient to cause every student of taxation to doubt the efficacy of that as a proper remedy to control public expenditures. Limiting the expenditures to the previous year, plus a certain per cent of increase, has some merit which can be better explained by the taxing officers of New Mexico.

The plan that presents a system flexible enough to provide sufficient revenue for all departments of govern-

ment and yet insure proper control thereof is that now in force in the state of Indiana. Governor Silzer in his first annual message to the legislature of New Jersey well said:

Experience shows us that the spending agencies will not check themselves, and that mere laws attempting this are circumvented. So long as municipal and other officials will spend we must pay. This is the root of the evil. Since they will not check themselves, we must do something to check them. In searching for a remedy, we must always have in mind the elemental principle, *i.e.*, that if we would reduce taxes we must keep down expenditures.

The statement that "spending agencies will not check themselves" was fully demonstrated in the year 1920 in the state of Indiana. The new tax law of 1919 became effective March 11, 1919, and during the first year all bond issues and tax levies were under direct control of the state board of tax commissioners. Property valuations were increased from \$2,233,761,065 to \$5,749,258,800. The total taxes

in the state for all purposes were increased from \$68,367,035 the last year of the old law to \$75,602,477 the first year under the new law. The state board on account of its powers over tax levies reduced levies amounting to \$11,617,037 in taxes. The legislature was convened in special session in July, 1920, and the power over bond issues and tax levies was taken from the state tax board as a result of false propaganda against the law by contractors, money spenders, and others.

The tax levies in 1920 were fixed by local officers with the check removed and taxes increased in one year \$36,000,000. This cost of "home rule" was so vividly impressed upon the taxpayers that the legislature of 1921 promptly amended the law and gave the state tax board authority over bond issues in excess of \$5,000 and all tax levies on petition of ten or more taxpayers.

BUDGET SYSTEM COMPULSORY

The section in reference to tax levies provides that the proper legal officers shall prepare a budget and set out in detail what is contemplated to be spent the coming year, and that ten days' notice by publication of such budget shall be given. The taxpayers are invited to be present and may be heard on such budget and contemplated levy. The taxpayer is thus given due notice what amount is asked and the purpose for which the money is to be used.

The supreme court of Idaho in deciding the *Graves v. Berry* case held that the officers are limited to the amount set out in the budget and for the purposes therein designated. If it were permitted to divert the amounts set out in the budget for other purposes than those designated it would be an easy matter for the officers to set up items that would

meet public approval and later divert these for purposes that would not meet public approval. Such action would defeat the very purpose of the budget law, and it is refreshing to see how clearly the Idaho court pointed out that the taxing officers cannot divert funds in that way.

Every department of government, when its budget is fixed and the tax levy determined, must prepare to do its business within the amounts set up in the budget. The budget is the yardstick beyond which the official cannot go. It is surprising how many departments will serve the public and live within the amounts designated. It will encourage economy on the part of every official when their slogan is "Live within the budget." Amended Section 200 of the Indiana Tax Law contains the provision concerning the budget and tax levies.

The form of the budget also sets out the amounts spent the three preceding years and balances on hand, so that the taxpayers know whether the tax burdens are increasing or decreasing, or if the officers are endeavoring to build up unwarranted large balances.

TAXPAYERS MAY OBJECT

In September, 1923, an appeal was taken by taxpayers in Carroll county. When the budget was published it showed that the county officials were asking an increase of four cents in the county levy. When the taxpayers appeared before the county council at the time the levy was fixed, they were ignored and no consideration shown them. At the hearing on the appeal before the state tax board it was shown that the county had on January 1, 1923, a balance in the general fund of \$192,000 with a budget of only \$80,000. As a result of the hearing the entire county levy was wiped out for the year. The

budget form only calls for a working balance to run the county six months, but does not contemplate such large balances as was shown in that case.

If objection is made to any budget item or to the amount in the budget, and the local officers at such hearing do not give proper heed to the demands of the taxpayer, the taxpayers, ten or more, may file a petition with the county auditor and demand that the budget and tax rate be reviewed by the state tax board. A hearing is then held by the board in the county where the taxing unit is located, and after such hearing it has authority to approve or reduce the tax levy—no increase can be made by the state tax board. The board's action on such levy is final.

The hearings are informal. The taxpayers are not required to employ attorneys to represent them at the hearing. There is no objection when attorneys are employed, but the idea is that the taxpayers should feel free to take the appeal and not be compelled to incur the burden of paying attorney fees when an honest attempt is made to reduce the tax burdens. All that is required of the taxpayers is that they appear at the hearing and in their own way give the reasons for objecting to the proposed tax levy or bond issue as the case may be.

No costs attach to any of these hearings. The law does not provide for witness fees; hence no costs can be taxed against the taxpayers in taking any of these appeals. The jurisdiction of the state tax board is limited to approving or reducing tax levies and to approving, reducing, or denying bond issues. In no instance can there be any increase in tax levies or bond issues as a result of any appeal.

In 1921 the state board reviewed tax levies in forty-two taxing units and made reductions in thirty-nine taxing

units—the reduction amounting to \$1,254,448.

In 1922 the tax levies in seventy-four taxing units were reviewed by the tax board and reductions made in forty-six taxing units amounting to \$1,034,572.

In 1923 the tax levies in thirty-seven taxing units were reviewed and reductions were made in twenty-five taxing units amounting to \$1,874,070.

There are more than two thousand taxing units in the state of Indiana, and it can be seen from the foregoing that all the taxpayers have not availed themselves of the right given by the law. A state taxpayers' association has been recently organized, and has created a very healthy sentiment in favor of taking advantage of all the rights afforded by the law to keep expenditures within proper bounds.

CONTROL OVER BOND ISSUES

If the remedy would only apply to tax levies the problem would only be partially solved. Amended Section 201 of the Indiana Tax Law refers to bond issues and provides that whenever the proper officers of any municipal corporation contemplate the issuing of any bonds or other evidences of indebtedness in amounts in excess of \$5,000, two weeks' notice of such determination must be given the taxpayers. Such notice must show what the money is to be used for and the assessed valuation of the municipal corporation and its total indebtedness. The notice also contains the information that ten or more taxpayers, other than those who pay poll tax only, who feel themselves aggrieved by such determination may appeal to the state board of tax commissioners for further action by filing a petition therefor with the county auditor setting out that such contemplated improvement is unnecessary, unwise, or the cost thereof is excessive.

Under the law as passed in 1919, all bond issues had to be submitted to the state tax board. This power conferred upon the state board was questioned in the courts. The supreme court of Indiana in the case of *Van Hess v. Board*, 190 Indiana 347 (354) held:

Questions of the expediency of improving this particular six miles and a half of highway, at an expense of \$30,000 per mile, and paying for it out of the taxes to be collected in a certain number of years, instead of using those taxes to improve or to maintain some part of the other hundreds of miles of highways in the county, or to pay for schoolhouses, or bridges, or a courthouse or jail, or something else for public use, and instead of collecting a less amount of taxes, must be decided by somebody. For there is a necessary limit to the amount of taxes that can be collected in any one year, and a limit to the amount of taxes that ought to be levied, even though it might be possible to collect them. And whatever part of such taxes are used to pay for this highway cannot be used for other public purposes, nor can the people use for private purposes what they are compelled to pay as taxes. . . .

Which of the different possible improvements that would be of public utility shall have the preference, or whether any of them shall be undertaken at a given time, are not judicial questions, but are such questions as may be referred to a public board charged with duties in the assessment of property and levy of taxes. The fact that the state board of tax commissioners does not possess judicial powers is not a reason why it could not be empowered to decide that question. Boards having to do with the levying of taxes and the expenditure of money raised by taxation must always exercise a discretion as to the general purpose for which each tax should be levied and the amount to be levied for each of such purposes, and as to the nature and amount of each specific expenditure from any general fund.

This opinion was given concerning the law as passed in 1919 and before the amendment of 1921 was adopted. Since the amendment of 1921 the state tax board has nothing to do with any bond issues, except when ten or more taxpayers file their petition asking the

board to pass on any bond issue. This removes the objection made in 1919 of a centralized board interfering in local matters.

LOCAL TAXPAYERS MUST TAKE INITIATIVE

It is only when the local taxpayers themselves have some difference as to the wisdom of spending the money proposed by the bond issue and ten or more of the taxpayers file a petition that the state board acquires jurisdiction. The fact that a bond issue may be appealed to the state board has in itself tended to keep down the prices of improvements in many cases. There have been many instances in the past in which it seemed that contractors have gone on the theory that it was perfectly proper to prey on the public and "get while the getting was good."

There was one case where it was proposed to issue bonds in the sum of \$570,000 for the building of the Lima Road in Allen county. A petition was filed with the county auditor asking that the same be reviewed by the state board. After the petition had been filed the contractor voluntarily appeared before the board of county commissioners and asked that the amount be reduced \$131,000. After a full hearing by the state board, the bond issue was disapproved. The county commissioners advertised for new bids, and re-let the contract for \$201,000 less. The original contractor filed suit enjoining the commissioners from re-letting the contract. It was the contention of the tax board that the contract was not a completed contract until the bonds were approved or the time for taking the appeal had elapsed. The local court sustained the position of the board and the contractor appealed the case to the supreme court of Indiana, and that court affirmed the decision of the lower court.

We take the following from the opinion of the supreme court:

The court holds that the alleged agreement entered into between appellants and appellees March 29, 1921, was tentative only and contingent upon the action of the board of tax commissioners upon the petition objecting to the issue of bonds, and, such boards having granted the petition and disapproved the issue of the bonds, that such agreement did not ripen into a consummated contract. It follows that the provisions of section 201 of the Tax Act as amended became a part of the tentative agreement entered into by the appellants and appellees on the 29th day of March, 1921, as though written therein at full length. Therefore the alleged contract in question was not a binding, valid contract which appellants could enforce, notwithstanding provisions of section 201 of the Tax Act as amended, and that the action of the board of county commissioners in April, 1921, pretending to cancel said agreement, was of no force or effect, for the reason that the action of the state board of tax commissioners in disapproving the bond issue was as complete a rescission of the unconsummated contract as though the contract itself had had written therein a provision that it was subject to the action of the state board of tax commissioners, if invoked according to law, and void, and of no force and effect, provided such tax commissioners disapproved the proposed issue of bonds determined upon by the board of commissioners. The parties to the agreement were not legally competent to enter into a binding contract except in compliance with amended section 201 of the act concerning taxation.¹

Another instance was in the building of the White and Fromme roads in the city of Terre Haute. The first hearing on the petition of the taxpayers against the bond issue was held in November, 1922. At the hearing it was shown that the taxpayers originally petitioned for an eight-inch slab cement road to be built according to state highway approved specifications. It was shown at the first hearing that after the roads were approved by the board of county commissioners the brick interests took the county com-

missioners, viewers, and county engineer on a junketing trip to Kansas City, Missouri, and when the report of the viewers was filed the specifications were changed from an eight-inch slab concrete road to a brick road. Evidence further showed that this would increase the cost of the road from fifteen to eighteen thousand dollars per mile. The bonds were disapproved by the tax board. Thereafter the board of county commissioners made another entry to issue bonds, and again a petition was filed by the taxpayers asking that the same be reviewed by the state board. Another hearing was held, and the issue was disapproved a second time. Every effort known to man was made by the contractor to control the action of the board. The Terre Haute Chamber of Commerce, Kiwanis Club, Rotary Club, the Banks of the Wabash Club, all adopted resolutions favoring the bond issue, and political pressure was exerted, but without avail. It came up a third time, and it was again denied. Thereafter, the specifications were changed to comply with the original petition filed by the taxpayers, and the contract was let a short time ago for \$65,500 less. The contractor has since admitted that the board was right in its action.

In Newton county a bond issue was appealed to the state board providing for the building of three gravel roads. Information secured by the board was that the price was entirely too high, and the bonds were disapproved. The matter was brought up a second time and disapproved again. The county auditor was notified that the tax board would disapprove it as often as it came before it until the county commissioners would re-advertise and receive new bids; the tax board felt certain that the price was too high. This, of course, was before the decision of the

¹ *O'Connor v. Board*, 142 N. E. 858 (361).

supreme court in the O'Connor case, and the contractors had not yet been convinced that when the bonds were disapproved that terminated their contract. In that county the commissioners advertised for new bids, and the contract was let for \$32,099 less on three small gravel roads.

In October, 1923, the school city of Indianapolis determined to issue bonds in the sum of \$1,650,000 for the building of eight new school buildings. Ten or more taxpayers filed their petition asking for a review by the state tax board. A public hearing was had, and the board found that there was a necessity for the new school buildings, and entered a preliminary finding that the school city should adopt proper plans and specifications, advertise for and receive bids, and that if proper bids were received bonds would be approved. The school city accepted the aid of the engineer of the state tax board, and plans were prepared and in proper time bids were received. The contractors knew that proper bids must be filed; that all bids would be carefully scrutinized, and when this was done it was found that bids for the eight new buildings, all complete, were for \$436,000 less than the total amount asked for. Nothing like that had occurred in the city of Indianapolis for many years. The buildings have since been completed, and are a credit to the city.

Many other cases of similar import might be given.

Taxpayers in almost every county in the state have learned that the right given them under the law to appeal from local tax levies and bond issues has been a material aid in keeping down expenses and stopping the reckless expenditure of money. The question of taxation will never be solved until the taxpayers have some voice in controlling expenditures and some effective methods in putting it in force.

Candidates for office are very liberal in making promises that they will reduce taxes if elected to office. No sooner do they get into office, when it is quite convenient to forget the promises made, and it is easier to yield to the demands of those who are always ready to urge improvements whether needed or not.

Many unjust charges have been made against the Indiana Tax Law, but in the final analysis it has stood the test, and will continue to grow more popular with the people as they become better acquainted with its provisions. Honorable Thomas R. Marshall, in his last message as governor of Indiana in 1913, suggested the idea of having all bond issues submitted to the state board of tax commissioners.

Local taxes are always the greatest part of the taxes paid and, with the taxpayers' right of appeal on bond issues and tax levies, a wide-awake citizenship can practically control its local taxes by the provisions now embodied in the Indiana Tax Law.

COUNTY GOVERNMENT IN NORTH CAROLINA

BY A. C. McINTOSH
University of North Carolina

Another article in our series on county government in typical states

To understand any system of county government, it is necessary to know something of the historical background, the theory of the system as contained in the written law, and the practical application to the business affairs of the county. In those states in which the system has remained substantially the same from the beginning, there has been a gradual development along fixed and definite lines, which may be readily understood; but where there has been a break in the system, and in many respects a complete change, a transition period and a period of adjustment must be considered in determining the efficiency of the system. County government in North Carolina belongs in the latter class, and its development may be shown by considering three different periods.

GOVERNMENT BY COUNTY COURT

During the greater part of the colonial period, and for about one hundred years after the organization of the state, the county government was under the control of the county court. This was an organization not dependent upon constitutional provision, but inherited from the old English county court, and recognized and established by statute. It was known as the Court of Pleas and Quarter Sessions, held its meetings four times a year, and exercised both judicial and administrative functions. As an administrative body it had charge of levying taxes, appropriating the public money, pro-

viding the public buildings, caring for the poor, constructing and keeping in repair the public roads and bridges, maintaining the public schools, and other duties of minor importance.

The court was composed of all of the justices of the peace of the county, with one of their number as chairman, and any three constituted a quorum for the transaction of business. At the first meeting in the year, they could, at their discretion, elect five of their number, with one as chairman, to hold the courts for the year; and this was generally done. Since the members came from different sections of the county and were supposed to be acquainted with the public needs, it was a representative body; but it was not a democratic body, in that the members were not directly dependent upon the popular vote. The justices were appointed by the governor, upon the recommendation of the general assembly, to hold office during good behavior; and this made a more or less permanent body, not affected by political changes, and subject to change only by the gradual addition of new members. It was not a salaried office, since the justices received not less than one dollar nor more than three dollars a day for the time actually in attendance upon the court. The position called for the exercise of rather high judicial and administrative powers, and hence men of prominence and of business experience were usually selected and were willing to serve. In more than one instance men who had

been members of the supreme and superior courts were chosen as chairmen of the county court.

CHANGE TO COMMISSION FORM

During the Reconstruction period, in 1868, a new constitution was adopted, providing for an entirely new system of county government. A board of five county commissioners, elected by popular vote from the county at large, to serve for a term of two years, became the most important governing body, to which was committed all the administrative duties formerly belonging to the county court. They chose one of their number as chairman, and the register of deeds became the clerk of the board. In addition to this, there was a subordinate township organization, known as the township trustees, composed of two justices of the peace and a clerk. These were also elected by popular vote and had charge of the roads and bridges in the township, and could levy and collect taxes for township purposes, subject to the supervision of the county commissioners. There were justices of the peace, as before, but they were elected in each township by popular vote to serve for two years, and had only judicial powers except as members of the township trustees.

In theory, this was a democratic system, directly dependent upon the popular will, subject to short terms of service, and with a divided responsibility in the dual township and county organizations. For various reasons the plan was not satisfactory at the time. The change from what the people had been accustomed to so long was complete and sudden; public affairs were in an unsettled condition; and the new, inexperienced and irresponsible element in the voting population, caused by the recent enfranchisement of the negroes, had to be con-

sidered. The result was a change in the constitution in 1875.

By this amendment to the constitution the county government was not changed in form, but it was taken out of the realm of constitutional provision by authorizing the general assembly to abrogate the plan or change it at discretion. The first tendency was to return to the old form with some modifications. The county commissioners were retained as the governing body, in number from three to five, but instead of being elected by popular vote, they were elected by the justices of the peace of the county. The justices were elected by the general assembly instead of by popular vote, and certain duties, like levying taxes, locating public buildings, etc., were to be performed by the commissioners with the concurrence of the justices, in joint meeting for that purpose. The township organization as a separate governmental unit was discontinued, except as to certain minor duties connected with the keeping in repair of the public roads and in laying out private roads or cartways.

This plan continued in operation for about twenty years, or until 1895, when the general assembly again restored the election of commissioners and justices by popular vote, and following the franchise amendment in 1901, this has continued as the plan of government to the present time. The justices no longer have any voice in the administration by the commissioners, unless the general assembly has made some modification to meet peculiar conditions in certain counties; and the general assembly still exercises the power of appointing or electing justices of the peace in addition to those elected by popular vote.

PERIOD OF ADJUSTMENT

Having finally settled that an elective board of commissioners should be

the central unit in the county government, the adjustment of that plan to meet the requirements of changing conditions in local affairs has given rise to a more or less complicated organization. It was the original idea that the whole administration should be in the hands of this central board, consisting of three or five members, but it has been the tendency to divide the duties and responsibilities by the creation of co-ordinate or subordinate boards or by transferring some of these duties to other organizations. This may be better understood by a consideration of some of the more important duties.

Taxation. The taxing power has been consistently left under the control of the commissioners, to be exercised under restrictions imposed by the constitution or by legislative enactment. For many years there was a constitutional equation between the property tax and the poll tax, which had to be observed in levying general taxes for state and county purposes, in that the poll tax should be equal to the tax on \$300 of property and should not exceed two dollars; but this was changed by an amendment in 1917, fixing the poll tax at two dollars and the property tax at 15 cents on the \$100 for general state and county purposes. The state levy is limited to five cents, but since it is the present policy not to levy any state tax on property, the whole amount is left for the counties. If a larger amount is required for any purpose, it is necessary to obtain the legislative consent either by general or special act, specifying the purpose for which it is levied; and if it is for other than necessary expense, the proposition must be submitted to the popular vote and receive a majority of the qualified vote. Even for necessary expense, the general assembly may require the question to be submitted to the popular

vote, and in that case a majority of the vote cast would be sufficient.

For the purpose of assessing property and listing property and polls, the commissioners appoint annually, at their meeting in April, a supervisor for the county, and he appoints assistants in each township. The supervisor and assistants meet and consider plans for a uniform assessment, and when the lists are completed they meet again to compare results, and then report to the commissioners. The commissioners meet as a board of equalization to hear complaints and to adjust inequalities as far as possible. There is also a state board of assessment which is authorized to consider the reports from the counties and to revise assessments so as to obtain equality of tax burden in the whole state.

It is the intention of the law that both real and personal property shall be assessed for taxation at its actual value in money, but it is very difficult to carry out this intention. Personal property is listed each year, and the list-taker must depend almost entirely upon the honesty of the owner as to the amount and value of personal property returned, while real property is assessed every four years and remains at this valuation in the meantime unless improvements are placed upon the property. This would seem to be a reasonable plan to get an equitable valuation, and there has been improvement in this respect under a new assessment law during the last four years, but there are still many inequalities existing between adjoining counties and townships, and even in the same locality. This would necessarily arise under any system, since the value depends upon so many varying circumstances, but it is especially true where the time allowed is short, only about two months, and the compensation, about four dollars a day for the time actually engaged,

is inadequate for such a difficult task.

After the reports of the assessors are made, the commissioners proceed to levy the tax upon the property and the poll, and also such privilege taxes as they are authorized to levy; the clerk of the board prepares the tax-books and delivers them to the sheriff for collection.

Contracts. The commissioners are authorized to make all contracts for carrying on the business of the county, including the appropriation of funds, borrowing money, issuing bonds, etc., and so long as it is for a necessary expense they have a wide discretion which neither the citizens nor the court can interfere with, unless it appears that there is an abuse of that discretion. If the purpose is for other than necessary expense, they can incur no expense nor pledge the credit of the county without first obtaining the legislative consent and a majority of the qualified vote. The general assembly may, however, restrict the contract power by limiting the amount or by requiring the popular vote. In one instance, the commissioners wished to repair the court-house, and the general assembly limited the expenditure for that purpose to \$5,000. They made a contract and the work was done for \$6,500, but the court held that the contract was invalid as to the \$1,500 excess. In another instance, the commissioners wished to build a new court-house, and the general assembly required the question to be submitted to the popular vote, and it was voted down. Later this act was repealed by an act restoring the general power, and the commissioners made a contract and issued notes for \$50,000 to build a court-house, and their action was sustained. Where a certain department of the county business has been transferred to another board, as in the case of roads and

schools, the commissioners must make provision for raising the money, but they do not control the expenditure.

Public Roads. The construction and care of the public roads and bridges come within the power of the county commissioners, to be exercised under the general law or under some special enactment. The original plan of keeping the roads in repair was the manual labor plan. The commissioners divided the roads into sections, appointed overseers for the sections, and assigned as "hands" to work the roads all able-bodied male citizens between the ages of 18 and 45, who were required to work six days in the year or to pay one dollar a day. This duty was later transferred to the justices of the peace in the townships and still belongs to them where the plan is in force. This plan is still on the statute book, but is probably not very generally used, since it has always been considered burdensome and not very satisfactory.

The next step was to authorize the county commissioners to use the public money to employ a special road force, or in many counties to employ convict labor. This has been followed by the plan now in operation in most of the counties, the creation of a special road commission either for the county at large or for a special township or district, the members to be appointed by the commissioners, and the money for road purposes, derived from general or special taxes, is deposited in the bank to the credit of the road commission and subject to their control. The state highway commission has charge of constructing state highways through the various counties, and in this way there has been a wonderful improvement in the highway system in the state during the last few years. The county road commissions are required to act under the direction and advice of the state highway commission; and

with funds raised by special taxes, bond issues, loans from the state, and federal aid, the counties are beginning to have an excellent system of county roads to supplement the state highways.

Public Schools. It was contemplated in the beginning that the county commissioners should have control of the public schools as a part of the general business of the county, and they acted for several years as a board of education. Under a later general school system of the state, a county board of education was created, consisting of three members elected by the general assembly to serve for two years. Some attempts have been made to have this board elected by popular vote, but these have not succeeded except so far as to require each political party to recommend names to the general assembly, and the boards are named from these. The county board of education elects a county superintendent of schools, who has the general supervision of the schools in the county and also acts as clerk of the board. The county board of education establishes school districts, appoints school committees, locates and builds schoolhouses, appropriates the school money, and performs all other duties connected with the public schools of the county, except in the graded schools which have their own organization. The county board and the superintendent act under the direction of the state superintendent and state board of education, and thus become a part of a more complete organization than the other departments of the county government.

The money for the support of the public schools is derived from various sources, from the poll tax, general school tax, special school tax, and fines and penalties. The funds appropriated by the state for schools is used as

an equalizing fund for the counties in order to provide a sufficient fund to run the schools for six months in the year. In addition to the levy for other county purposes, the commissioners are required to levy a sufficient tax, with the amount received from the state, to run the schools for six months; and if funds for a longer term are desired, it is necessary to have the legislative consent and the popular vote. Before the county school tax is levied, the board of education submits to the commissioners a budget showing the estimated amount necessary to run the schools for the year, and the commissioners must levy that amount, unless they think the estimate is too large; and in that case the clerk of the superior court acts as arbitrator, with the right of either board to appeal to the judge of the superior court.

Elections. The commissioners formerly had the control over the election machinery in the county, by establishing voting precincts, appointing election officers, receiving returns, etc., but this duty is now in the county board of elections, appointed by the state board of elections.

There are other duties of the county commissioners in addition to those mentioned, but these are sufficient to show their general powers and the way in which those powers have been distributed.

OTHER COUNTY OFFICERS

The other county officers are elected by popular vote, to serve for such terms and to perform such duties as may be designated in the law creating them. The county commissioners have nothing to do with their selection nor with the performance of their duties, except to approve their official bonds when they are inducted into office and to see that they account for any public funds collected.

The clerk of the superior court is elected for four years and, in addition to keeping the court records, he has certain important judicial duties, as in probate matters, as a part of the superior court in special proceedings, and as judge of the juvenile court. The sheriff is the process officer of the superior court and tax collector of the county, and serves for two years. The register of deeds is elected for two years, keeps the records of deeds and other instruments requiring registration, issues marriage licenses, and is the clerk of the board of commissioners. The treasurer is also elected for two years, and has the duty of keeping the public money and paying it out under warrants from the proper authority. This office has been abolished in many counties, and the duties are performed either by the sheriff or by a bank selected by the commissioners for that purpose. The bank receives no compensation except the advantage of having the money on deposit without interest. A county surveyor and a coroner are also elected for two years, but these offices are not of very great importance. There is also a county board of health composed of certain officers of the county, with two physicians; and a public health officer is now elected by the county commissioners and the county board of education.

COMPENSATION OF OFFICERS

The best paid officers in the county are the sheriff, the clerk of the superior court, and the register of deeds, and usually in the order named. For many years these officers have received their compensation under the fee system, receiving a certain amount fixed by law for each item of work; and since they made no report of such fees, it was difficult to tell exactly what the compensation would be. It may be presumed, however, that since the officer's

pay depended upon his fees, he would be reasonably diligent in collecting. The sheriff also receives a certain per cent for taxes collected, and the treasurer a certain per cent upon the money received and disbursed. In both instances the percentage is fixed by statute and is somewhat subject to the discretion of the county commissioners.

In many counties, within recent years, there has been a change from the fee system to the salary basis for the officers mentioned, and the officers are required to collect the fees and turn them into the general county funds. There is a difficulty here, however, in keeping an account of the many small fees collected and in checking up to see whether the accounts are correct; and besides, since the compensation no longer depends upon the fees, there may not be the same diligence in collecting. There can be no great degree of regularity in fixing these salaries, because the work is so much greater in some counties than in others. So far as the special statutes for different counties show, these salaries vary as follows: Register of deeds, from \$1,000 to \$3,000; clerk of superior court, from \$1,000 to \$3,500; sheriff, from \$1,500 to \$10,000.

The county commissioners are paid a per diem and mileage, varying from two dollars to five dollars a day for each day of their meetings, but the meetings are limited to the first Monday in each month, with two or three special meetings. They may have a called meeting at any time, but they receive no pay for such meeting. The total number of days for which they receive pay during the year would probably not exceed thirty, though a different rule may apply in different counties by special act. In some counties the chairman is made a whole time officer, with a salary varying from \$1,000 to

\$3,000; and in one or two counties all three members are made whole time officers at a fixed salary, with a larger amount paid to the chairman. The members of the board of education are also paid a per diem of five dollars a day and mileage, and they also fix the pay of the county superintendent upon a per diem of three dollars a day or upon a salary based upon the amount of funds disbursed. The road commissioners are paid a per diem to be fixed by the county commissioners.

ACCOUNTING SYSTEM

The county treasurer is required to settle annually with the sheriff for all the county taxes, and also with all other officers who receive public funds. The county commissioners are required to appoint one or more of their number as a finance committee to be present and supervise the settlement of the sheriff and other officers with the treasurer, and then to make settlement with the treasurer and make report to the board. The clerk of the board is required to publish annually a statement showing in full the receipts and disbursements for the year. The board of education settles with the treasurer for the school funds of the county, and a statement is published and a copy filed with the state superintendent. The road commissions are also required to publish a statement of funds received and disbursed, and a copy is filed with the register of deeds for public inspection.

In some counties a county auditor is appointed or elected, whose duty it is to audit all the accounts and to make all the settlements with the county officers; in other counties the commissioners employ special auditors or accountants for the purpose or make arrangements to have the auditing done through the state auditor's office; and a recent statute makes it the duty of the

state auditor to audit the accounts of the counties once a year, and oftener if he thinks it necessary. This statute has been in operation only a short time, and probably has not been yet generally applied except in cases in which the circumstances seemed to make it necessary.

The purpose of this paper has been to give some idea of what the county government in North Carolina is, and not to discuss so much what it should be. That there are defects in it, is very true, but the same may be said of other systems. There is a lack of uniformity in organization, which may not be altogether a defect, since conditions are not the same in all sections of the state. It is not well co-ordinated, but rather loose-jointed, in that the various offices and departments are more or less independent of each other. And this suggests what may be the most apparent defect, that it is a community government without even a nominal head. No particular officer can be considered, in any sense, the responsible head of the county government. The chairman of the board of commissioners may be such in theory, but he is in fact only what his title implies, the presiding officer of the board at its meetings, and he has no duty or authority otherwise unless it has been delegated to him as the representative of the board. In the few counties which now have a whole time chairman, with definite duties prescribed, there appears to be some recognition of the necessity for such a head officer.

The compensation generally provided for the county commissioners and the board of education would seem to be inadequate for the duties and responsibilities involved. It appears to be a cheap form of government, but that often proves to be an expensive form. No question is raised as to the

honesty and good intentions of the men selected for these positions, but they are often men without the experience and business training required for such duties. The short term and the popular election may make them particularly responsive to the public will, but the change which may take place every two years may seriously interfere with working out any well defined policy. While they are not strictly political offices, party affiliation is nearly always considered in their election, but there is no criticism that the office is made the opportunity for graft or political corruption. There is no definite and generally accepted plan for making reports of finances so that they may be readily understood, and in many instances it might be difficult to ascertain the exact financial condition of the county at a particular time.

While this is a commission form of government, in that it is a government by commissioners, it is far from the commission form as found in municipal corporations. In at least one county the latter form has been recognized in making the commissioners whole time officers and assigning to each one a particular department of the public work. There is a state organization of county commissioners which meets annually to discuss the various questions

of county government, and this may lead to a more general knowledge of the conditions in the different sections of the state, and finally bring about a more unified and consistent plan. The county is considered only as an agency of the state for governmental purposes, and not an organization for local self-government as in a municipality; and for this reason little legislative power has been conferred upon it, except that involved in taxation, and no police power in the sense that it may pass ordinances for its internal government. This is as it should be, since there are in the state one hundred of these separate governmental agencies, all engaged in the same work and to carry out the same purpose, and it might lead to greater confusion to confer upon them any extensive legislative or police power.

The study of the history and progress of the state for one hundred years under one form of county government, and for fifty years under another form, may not show much as to the comparative merits of those forms; but it does show that a system of county government is not made once for all, like an inflexible machine, but that it is a growth and a development through the years to meet the changing conditions of a growing state.

RECENT BOOKS REVIEWED

NATIONAL GOVERNMENT AND BUSINESS. By Rinehart J. Swenson. New York: The Century Co., 1924. Pp. 461.

Professor Swenson has gathered together valuable material which will be of assistance to teachers of political science in instructing classes on the relation of the national government to business. The author's point of view is that of a political scientist, rather than that of an economist. He pays much attention to administration, constitutional questions, and legislation.

In discussing such a broad subject as the relation of the national government to business, some difficulty is presented at the start. The study of government is older than the study of business and has come to be discussed in the text books under fairly well standardized terms. With business, the terms are not so well standardized, although there are many of them. The difficulty is to know how to organize a treatise which will combine the two, government and business.

Instead of using modern business terms, the author has selected terms well known in economics, such as property, currency, commerce, and combinations in restraint of trade. Thus we have a book of quotations from the best authorities grouped around three or four political science terms and around an equal number of terms well known to economists. The net result is a book on the relation of national administration, adjudication and legislation to the subjects of property, currency, commerce, and combinations in restraint of trade.

EARL WILLIS CRECRAFT.

University of Akron.



AMERICAN STATE GOVERNMENT. By John Mabry Mathews. New York: D. Appleton and Company, 1924. Pp. xv, 660.

This book is the result of Professor Mathews' study of state governments, extending over a number of years. He assisted in the preparation of the now famous report of the Illinois committee on economy and efficiency published in 1915, which preceded the reorganization of the administration of that state. He has observed the workings of other state governments, notably Oregon, where in 1918 he prepared a report on

the state administration for the consolidation commission.

It is one of the best books on state government that has been published. Although it has been written primarily for college and university use, it should be of interest to public officials and to general readers. For popular reading the style may be somewhat tedious in several places, due doubtless to an effort on the part of the author to include a great many detailed facts. Nevertheless, the book contains an up-to-date statement of the main problems of state government. While the author in general expresses a conservative point of view, his treatment is always fair—the pros and cons of important questions being fully stated.

Professor Mathews approaches the discussion of state government largely from the historical angle. The first two chapters are devoted to a discussion of the place of states in the Union and the development of state constitutions. Subsequent chapters treat the powers and limitations of state governments, popular control in states, the legislature, the executive and administration, and the judiciary. The concluding chapter on local governments and the state's relation to them is extremely sketchy. More attention might have been given to state administrative functions. The book contains a general treatment of those functions dealing with taxation and finance, regulation of industry and labor, education, public welfare, and law enforcement. Such important state functions as agriculture, conservation, and public works are not treated. If these functions had been discussed in one or two chapters, the book, in the opinion of the reviewer, would have been improved.

The appendices to the volume include reprints of the National Municipal League's Model State Constitution with explanatory articles, an explanation of the Hare system of proportional representation, R. S. Childs' *The Short Ballot*, the author's *Administrative Reorganization in Illinois*, H. Harley's article on Criminal Justice, H. W. Dodds' *Thumb-nail Sketches of the Four Principal Types of City Government*, *The Story of the City Manager Plan*, and R. S. Childs' *Ramshackle County Government*.

A. E. BUCK.

NON-VOTING: CAUSES AND METHODS OF CONTROL. By C. E. Merriam and H. F. Gosnell. Chicago: University of Chicago Press, 1924. Pp. xvi, 287.

Partisan efforts to get out the vote of course there have always been. And the recent national campaign was marked to an unusual degree by non-partisan efforts to get out the vote, largely sincere, no doubt, but also largely amateurish. Shocked by figures regarding the percentage of abstention, a condition that has been shown to be growing,¹ the public interest in this problem is markedly greater than ever before. Hence the importance and timeliness of this study of non-voting by Professors Merriam and Gosnell can scarcely be overstated.

There is nothing amateurish about their work, "no armchair generalizations," no preaching. Instead over 6,000 non-voters were personally interviewed by competent investigators, most of them graduate students of political science. While these 6,000 represented a little less than 1 per cent of all the non-voters in the city at the election under consideration (Chicago mayoralty election, April, 1923), it is believed that the careful selection of groups and types has given a fairly representative set of the situations to be studied. The results thus obtained at first hand were carefully checked against census and other data as to age, sex, color, country of birth, nationality, economic status, occupation, length of residence at address and in state, and voting experience. To this analysis the bulk of the book is given over and little if anything has escaped the authors. Not the least interesting feature of the work are the frequently quoted expressions of non-voters themselves, set down in their own words as gathered by the investigators. They run the gamut from dire tragedy to broad farce; they illuminate as many aspects of the life of a great city as the stories of O. Henry; to the student of politics they throw a flood of light not only on the mental processes of non-voters but of many voters as well. In addition to the statements of non-voters the judgment and insight of some 300 experts in the electoral process, practical politicians for the most part, were also enlisted, and the quotations from such sources, chiefly given in the chapter on Precinct Studies, will be found of absorbing interest.

No summary can begin to do justice to the

multiformity of the data secured by Professors Merriam and Gosnell. However, it may be stated that general indifference and inertia accounted for over two-fifths of the abstentions; that such physical difficulties as illness and absence covered one quarter of the cases; that legal and administrative obstacles (insufficient residence, fear of loss of business or wages, congestion at the polls, poor location of polling booth, fear of disclosure of age) explained one eighth of the electoral failures; and that disbelief in woman's voting or disgust with politics accounted for the remainder of slightly more than one sixth. The differences in proportion of the reasons given by women and men are most significant. Undoubtedly there is a large hangover of anti-suffrage opposition and apathy among both women and men from the period prior to the Nineteenth Amendment, a factor which in all likelihood will continue to figure at least until the present generation has passed off the stage.

A chapter on Methods of Controlling Non-Voting sums up the social mechanics of the situation. With scientific impartiality it discusses the problem both with reference to stimulating and depressing participation. Certainly those who in the future may wish to get out the vote cannot afford to neglect the very full and practical discussion of measures which it contains. In any event the problem is still with us. Official figures recently published, which, however, do not give the vote of various minor parties, show that the popular vote in the presidential election of 1924 was only 8.3 per cent greater than that of four years earlier,—slight progress to set against a population increase of nearly 6 per cent, reckoned on the showing made from 1900 to 1920. Whether the present movement to get out the vote continues or not all students of political science are deeply indebted to Professors Merriam and Gosnell for the brilliant illumination they have given to a political area hitherto unexplored, except casually, in spite of the fact that it lies at our very doors.

ROBERT C. BROOKS.

Swarthmore College.

REPRESENTATIVE GOVERNMENT. By Henry J. Ford. New York: Henry Holt & Co., 1924. Pp. vii+318. \$3.50.

In the field of politics there has always seemed to exist an irresistible temptation to indulge one-

¹ See article on "The Vanishing Voter," in the *New Republic* 40: 162 (Oct. 15, 1924).

self in romantic illusions. The advent of popular government has only exaggerated the fault. Human nature seems particularly susceptible to that form of flattery which finds expression in accounting for political institution as the result of inherent strength and nobility of character and of a conscious and adequate political theory that the people have developed. Whereas the facts seem to be that the evolution of political institutions has been conditioned by factors that are much more fortuitous, opportunistic, human and unromantic.

One of the classical illustrations of romanticism in politics, where fancy has supplanted fact, and where otherwise competent writers have demonstrated an unusual ability to "believe what they want to believe and make facts appear what they wish them to be" is the theory that treats representative government as a "modern restoration of ancient right, whose institutional embodiment was the Teutonic assembly of freeman" which institution, they contended, "was carried into England by the Anglo-Saxons, where it became the germ from which representative government was eventually developed." The validity of this theory received the author's exclusive attention throughout the first half of the work. The defence of this doctrine by John Cook, Sharon Turner, John Mitchell Kemble, Edward A. Freeman and John Richard Green is examined by Professor Ford, who finds it entirely unfounded in historical evidence.

He believes that "representative government originated as a bud put forth by monarchy," that it developed in England not because the people were freer there, but because monarchy was stronger, and he makes the significant suggestion "that the struggle between king and parliament was not for the freedom of the people but for possession of authority to rule the people." The author has made a case that it will be difficult to attack. He has rendered a useful service by introducing realism into a subject where it has been all but absent and has delivered a body blow to some of the romantic nonsense that has been too prevalent in certain phases of political thought. One might well contend that the doctrine itself is not of sufficient present day importance to justify half a volume, and that might be true were it not for the fact that its romantic implications still constitute a blight upon our political progress. In American politics the histrionic statesman is still the man of the hour.

The second half of the book is devoted to a

critical study of the characteristics of representative government. He attributes the breakdown of representative government in the United States, not to any inherent defect in its theory but to the failure of the people to give it an actual trial. Real representative government has never been tried in America, and instead of working towards that ideal, as difficulties and weaknesses have appeared, we have gone farther and farther away from the only principles of representative government which actual experience has shown to be workable and sound. Professor Ford contends that the following five conditions are essential to an effective representative system: "1. That the people shall be free to choose whom they will to represent them; 2. That the representative assembly shall be face to face with the administration; 3. That the representatives shall be so circumstanced that they can use their authority only on public account; 4. That elections shall be confined to the choice of representatives; 5. That the supervision and control of the representative assembly shall extend over the whole field of government." In America these principles have been violated by the separation of powers, by the hopeless decentralization of all public authority, by the unending multiplicity of elections, by vesting the legislature with practically unlimited initiative in proposing bills and revenue measures, and by severely limiting it in supervision and control of the administration. On the whole it is a damning indictment against the political common sense of the American people and their political leaders. And the author makes a convincing case. In the main, American political thought has refused to be guided by the lesson of experience, both at home and abroad. Political speculations if articulated with the proper rhythmic cadence, have generally triumphed over the protest of actual experience. Literary diction has been more powerful than scientific method.

Professor Ford has fortified his position by the citation of illustrations that are convincing. He has summoned to his aid comparative data from other governments that is most instructive. He has indicated a program that from an American point of view is a wide departure from accepted dogma. But he has not sought to evade the difficulties raised. He has met them frankly, forcibly, and frequently with apparent finality. It will be interesting to see the reply of his opponents.

To a few of the specific arguments and observations of the author, the reviewer would have to

register an emphatic dissent. But the general trend of the reasoning is sound, realistic, and difficult to resist. No person interested in the scientific study of representative government can afford to miss the stimulating and scholarly work. It is a real contribution to political thought.

ARNOLD BENNETT HALL.

The University of Wisconsin.



ONE CITY GOVERNMENT APPRAISED FROM TOP TO BOTTOM

The Government of Cincinnati and Hamilton County. A Survey directed and edited by Lent D. Upson. Cincinnati: City Survey Committee, 1924. Pp. 535.

This report on Cincinnati and Hamilton County, a product of the combined resources of the Governmental Research Conference group under the direction of Dr. Lent D. Upson, is notable in many respects, but in few more noteworthy than in its origin. The survey was conducted under the auspices of the Republican Executive and Advisory Committee of Hamilton County, through the medium of a subcommittee headed by William Cooper Procter and a general citizens' committee appointed by it, directed by George H. Warrington.

The setting is thus unusual and furnishes an important key to the understanding of the report itself. In the light of the political situation in Cincinnati, however, no other initiative could have been expected, for the Republican Executive and Advisory Committee of Hamilton County is the dominating, if not the sole, centre of public authority for the county and city alike. Administrative officers report to the committee, submitting their plans for consideration and approval; legislative bodies deliberate only in the light of decisions made in the sessions of this party council. Appointments there receive the necessary approval, and there lies the responsibility for ensuring that every precinct captain has his job in the public service of city or county.

The importance of a report of this character is twofold. It has a primary value in revealing the status quo of a governmental unit whose renovation is demanded by some of its citizens; it has also a permanent interest as a type of investigation of which the last decade has been prolific. In the following paragraphs therefore something will first be said of Cincinnati and Hamilton County, after which will be found some comment

on the survey as a piece of investigation, the latest of its genus.

The governmental situation revealed in Cincinnati is in many ways a curious and unexpected one. The dominant factor is the lack of funds. The city has for many years been financially starved, owing in part to the limitations of the state law and in part to the discrimination practised against it by the county budget commission, in whose hands it lies to a considerable extent to apportion available taxes between the city, county, and school board. The latter is protected by statutory requirements, but the city's share has consistently been reduced by the county budget commission to an impossible figure. The report properly asserts that this arrangement "offends every sense of justice" but fails to indicate why the Republican Committee should play favorites in this way; one may surmise however that the explanation may be found in the relative importance of city and county in state and national politics.

The desperate financial condition is made the never failing excuse for all shortcomings in the conduct of municipal government. The survey however makes it sufficiently clear that the citizens of Cincinnati may rightly demand reforms along other lines as well. The spoils system appears to be almost universally accepted, and even where the pretense of merit is kept up, the miserable employment conditions eliminate competition. Glaring examples of overpayment and overstaffing are recorded. Council and county board have both lost all initiative to the Republican committee, and it has lost effective contact with the people of the city.

In spite of these almost overwhelming handicaps, the survey reveals many matters of credit to the administrative staff. Owing to the fact that the Republican party has been in unbroken political control for many years, there have never been examples of the wholesale replacements ordinarily incident upon the spoils system. Promotion to the higher positions has been in fact on a merit basis, and a high level of competence is revealed in the supervisory staff of many offices. The never ending struggle to make one dollar do the work of two has largely eliminated waste and extravagance, except in the matter of employment in some offices. Graft and corruption have not flourished except on a petty scale.

It remains true however that a substantial portion of the work of the city has been gradually

assumed by private organizations, which with the city employees are carrying a considerable share of the tax burden of the community. In public welfare service and in health administration especially is it true that the city is forcing private charity to carry a disproportionate share of the load. The members of the police force (to take a conspicuous illustration) are notoriously underpaid, but are nevertheless required to purchase uniforms and even their guns; full pay is deducted for sick leave; and in 1923 each patrolman lost a month's pay through enforced leaves in order to make up a deficit in the police fund, while at the same time the men were deprived of their annual vacation. And yet the report alleges (p. 246) that the "morale of the force, among the men interviewed, seemed relatively good." One wonders what manner of men these are!

The county and board of education on the other hand have more nearly adequate funds. Their standards of accomplishment do not seem to vary in any notable way from the general levels attained by American counties and boards of education; the latter, in the words of the report, "is the only governmental organization in Cincinnati chosen without regard for political affiliations, and whose policies are initiated and administered independently of party organization."

In a word the governments of Cincinnati and Hamilton county appear from the survey to have been conducted by the party organization upon ordinary levels of efficiency, with perhaps less waste than might have been expected owing to the impossibility of securing funds to scatter among the faithful. The complete assumption of responsibility by the Republican Executive Committee and the failure to publish reports and furnish information by which the citizens could follow the affairs of the city gave rise however to rumors of extravagance, bad judgment, and corruption which forced the committee itself to sponsor the present investigation.

As a type of investigation the survey has naturally its strength and weakness. It was written by a group of men (nineteen in all) with long experience in making investigations of this sort, drawn from many of the leading bureaus of municipal research. These men came and went to and from Cincinnati as their other duties permitted, and the opportunities for conference among the whole group were therefore considerably diminished. The general plan of each study is however the same, and indicates a desirable degree of supervision and editorial control.

Among the notable achievements of the survey perhaps the most important is the formulation of a set of standards for the appraisal of each activity or office under review. Although this is not the first time that such standards have been formulated and although in some cases the standards leave much to be desired, the greatest credit is due the director for constant insistence upon a definite basis for evaluation of the varied functions of city and county government. It is only by the statement and restatement of our premises that we shall make progress in the process of survey and evaluation.

Another striking feature of the report is its scope. It covers not only the ordinary administrative functions but plunges boldly into a critical analysis of the legislative agencies and the municipal court, some phases of the school system, city county consolidation, and citizen influence on government. It is therefore one of the most inclusive studies of its kind; and with its complement of one hundred tables, is designed to give the statistical basis for a thorough understanding of the governmental situation.

Without in any way intending to disparage the importance of other sections of the report, it seemed to the reviewer that the analysis of the financial situation of the city, the study of city and county employment policies, the incisive criticism of the city council and county board, and the study of health administration furnish the most important individual contributions.

If one may venture to suggest the points at which the report failed to achieve its high standards, one would comment first on the lack of a careful and well balanced summary. The report is frankly difficult to grasp as a unit, and primarily because no one has succeeded in bringing together the two score and more separate reports into an organized whole. Neither the statement of the City Survey Committee (pp. 11-30) nor the summary of recommendations (pp. 31-33) nor the summary of conclusions (pp. 42-56) performs this essential function.

The sense of inadequacy thus induced is heightened by what seems to the reviewer the bad mechanical arrangement and set-up of the report which not only fails to help the reader to catch the relation of its parts, but discourages him in trying to create a clear conception of the whole for himself. The uncertain proof reading furnishes also an abundant if a minor source of irritation.

Many of the individual reports are superficial.

It may be said in defence that a brief sketch was sufficient in many cases for the purpose of the survey. If this be granted the question then arises as to the usefulness of printing them in a survey much of whose work is extremely well done. The contrasts are sometimes disconcerting.

Finally one may express regret that some matters of fundamental importance were not apparently considered. The difficult and unexplored problem of administrative areas passed by unnoticed except for a brief but suggestive paragraph in the report on public health (p. 381). City-county consolidation was dismissed with five pages. Whatever may have been the likelihood that a program of city county consolidation would find favor with the dominant political organization, it may be supposed that a systematic study of this problem would have been of great value. Recent experiments in Chicago in the direction of unifying the inspection service indi-

cate that a real opportunity to make a constructive study of importance to Cincinnati was also neglected.

The reviewer does not wish however to conclude while sounding a note of criticism. The report as a whole is a distinctly valuable contribution and has already played an important part in the successful campaign for the city manager plan and proportional representation. The citizens of Cincinnati had lost confidence in their government to the extent that they persistently refused to vote it obviously necessary special levies. This confidence may now be restored when the new city administration takes hold; in any case the citizens now know from this survey what are the problems which will have to be solved before a proper governmental situation will be restored.

LEONARD D. WHITE.

University of Chicago.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

Secretary, Governmental Research Conference

A Report has been published by the Committee on Public Economy of the Ohio Tax Association, suggesting certain tests which may be applied by public officials and by citizens in considering new activities or improvements. It also proposes legislation for greater restriction of bond issues, a mandatory balanced budget system, reduction in election costs, simplified governmental organization, and reduction of school building costs. Copies of the report may be secured from John E. McCrehen, 145 E. State St., Columbus, Ohio. R. E. Miles is chairman of the committee.

A State-wide Effort is on foot in Ohio to secure legislation changing the organization of the state departments of public health and public welfare. It is believed that these departments cannot function as effectively as they should when their administrative officers serve only at the pleasure of the governor, whose term is two years. A plan is proposed to place the appointment of the director of each department in the hands of an unsalaried board, whose members will be appointed by the governor for overlapping terms.

The Municipal Research Bureau of Cleveland is at present engaged in the following studies:

1. A study of the sewage disposal problem in Cleveland in relation to the water supply and sanitary conditions along the Cuyahoga River and the Lake Front.
2. A study of delinquent tax administration in Cuyahoga County. (Delinquencies have been increasing rather rapidly during the recent years.)
3. Assistance to the board of education of Cleveland in the establishment of standard equipment for school buildings.
4. A report upon county financial administration is just being completed and will be published in the near future.

Recent reports have been prepared upon the "Operation of the Municipal Markets of the City of Cleveland" and upon "Proposed Standard Plans for School Building Construction in Cleveland." These reports are available in limited amounts for interested persons.

Death of George Burnham, Jr.—Not only the Philadelphia Bureau of Municipal Research, but the governmental research movement as a whole, has lost a friend and strong supporter by the death of George Burnham, Jr. Mr. Burnham was a leader in the group which organized the Philadelphia Bureau, was vice-president for a number of years of that organization, and president since April, 1918.

The Commission of Publicity and Efficiency of Toledo, after an investigation, has recommended to the city council that it study the advisability of asking the state legislature to abolish the annual registration system. The commission ascertained that the present system of annual registration, which amounts to a yearly re-recording of miscellaneous information about residents of the city, costs over \$25,000 a year. The commission believes that the same results could be obtained by a permanent registration system such as is in force in St. Paul, Omaha and other cities.

Preparing the New City Manager Charter for Kansas City has been the principal item of business before the Public Service Institute of that city. The prospects for the adoption of the charter are very bright.

New York Bureau Notes.—A. E. Buck of the New York Bureau of Municipal Research has completed another tour studying state government. This time he returned from the Pacific coast via the state of Washington to look in on

the results of state reorganization at Olympia. Mr. Buck's trip to the coast was in connection with the survey of the state of Nevada which is being carried through by the New York Bureau of Municipal Research and the National Institute of Public Administration. The unique feature of the recommendations of the survey is the substitution of a small single chamber legislature for the present unwieldy bicameral system. It is expected that the major recommendations of the survey will be laid before the state legislature during the 1925 session.

Dr. Carl E. McCombs of the New York Bureau of Municipal Research is making a brief study of the health and welfare budget of the city of Newark, N. J., for the year 1925. This is part of a general study of the budget being carried through by J. B. Blandford, director of the Bureau of Government Research of the Newark Chamber of Commerce. Charles Aufderhar is also engaged in this study. Dr. McCombs reports that a large number of the important recommendations in the 1918 survey of Newark has been put into operation since that time in the health and welfare departments. This is an excellent example of the gradual acceptance of survey recommendations.

Following up the survey of Charleston, South Carolina, made in 1924 by the New York Bureau of Municipal Research and the National Institute of Public Administration, Philip H. Cornick was called in as consultant in the preparation of the budget of that city for the year 1925. Luther Gulick reports that Charleston has done more to carry out the major and the minor recommendations of the survey than any city heretofore surveyed in the United States. The bulk of the suggestions were enacted in ordinances or carried into administrative practice while the work was in progress and before the report itself was prepared.

The Bureau of Government Research of the Hoboken Chamber of Commerce is hard at work on a study of the 1925 budget. The work is under the direction of Randolph O. Huus. Wyllie Kilpatrick, who was formerly director of the Hoboken Bureau of Government Research, is serving as a consultant in this work, though he is devoting his main efforts at the present time to a study of new sources of revenue in New York State for the New York State Legislative Committee on Taxation and Retrenchment.

Taxation Report.—The report of the New York State Legislative Committee on Taxation and Retrenchment for the year 1924 has just been printed and copies may be obtained by addressing Mr. Gerald Casey, clerk of the committee, Senate Chambers, Albany, N. Y. This report contains a very important contribution to the question of forest taxation by Philip H. Cornick, together with material on public utility taxation and bank taxation by Luther Gulick, and a simple scheme of salary standardization for county employees by Dr. William E. Mosher.

The National Institute of Public Administration has been retained again for the year 1924-25 as the staff of the legislative committee and is now at work on a study which will deal with the problem of state aid, the division of yield of state taxes, new sources of municipal revenue and the causes for the increases in the cost of state government.

Work of the Minneapolis Bureau.—Following a successful competition by examination for the position of Secretary of the Board of Public Welfare, Mr. J. E. Donaldson, accountant for the Bureau, has accepted appointment to the above position. It is a source of satisfaction to the Bureau to know that the research idea in government has thus found its way into one more position in the Minneapolis administration. A successor has not yet been appointed.

The Bureau has prepared and submitted to a joint conference of interested persons in Minneapolis, St. Paul and Duluth, suggested amendments to the permanent registration law which it was instrumental in helping to pass in the 1923 legislature. The amendments deal with a greater flexibility in handling situations that have come up during the first year's experience but in no way affect the principles of the scheme of registration. In all three cities in Minnesota the plan has worked so well as to be certain to grow in popularity.

The Bureau was called into conference with the members of the Interim Committee of the House of Representatives and accompanied them on a study of reorganization of state government in Massachusetts, Pennsylvania and Illinois. The trip was another evidence of the interdependence of men in the research movement and the opportunities they have of rendering service to each

other which finds the result in improved administration and organization of government. It would appear that a scheme to simplify government for the state of Minnesota built around effective administration and financial control has much more than an even chance of being adopted this session. It is ten years since the first efficiency and economy report was submitted.

Notes on the Toronto Bureau.—The work of the Toronto Bureau of Municipal Research was confined during 1924 largely to:

1. Study of the various problems which came up during the year.
2. Communicating to the electors the facts bearing on these problems.

Various proposals made during the year were:

1. The establishment of a civic pension fund.
2. The entering of the city into the business of buying and distributing gasoline.
3. The undertaking by the city of milk distribution, etc.

The Bureau prepared open letters on these topics and mailed them to its supporters. These letters were reproduced in the press and thus were made available to all citizens. In December, preceding the municipal election on January 1, 1925, the Bureau issued two white papers;

one dealing with the election of the city council and what this involved, and the other dealing with two questions to be submitted to the people; a. The request for provincial legislation authorizing the city to make an inquiry as to the basic cost of gas, with access to all the records and plants of the Consumers Gas Co., in which the city is a stockholder, of which the city already has and exercises the complete right of audit; b. The expending of \$14,000,000 on additions to the water system, including a second intake.

During November and December, 1924, the Citizen's Research Institute of Canada conducted an administrative survey of the board of education of London, Ontario. The report thereon was not only adopted, but its recommendations were acted upon forthwith. The Institute also completed an administrative survey of the Kingston General Hospital, which is a teaching hospital affiliated with Queen's University, Kingston, Ontario. The reorganization of the hospital is proceeding. The Institute also co-operated with one of its members by loaning a staff member for an organization survey of a large private business. This was in the nature of an experiment. It is possible that if a large opportunity for public service through co-operation of this sort can be demonstrated, the Institute may undertake similar surveys in the future.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Defaulting Highway Contractors.—Defaulting in highway construction contracts has probably been of more frequent occurrence than on any other type of public work. Widely divergent reasons for this condition have been given by those concerned with handling and directing highway improvement work, but there is food for thought in the statement made by Charles M. Upham, state highway engineer of North Carolina, who, commenting on some ten or fifteen failures in North Carolina, states that "80 per cent of the causes are insufficient finances or incompetency of the contractor." Moreover, in

traffic during the night are contained in the report of the committee on construction and engineering presented to the National Conference on Street and Highway Safety. Recognizing that glaring headlights constitute a danger for which no satisfactory remedy has as yet been found, the committee recommends the illumination of streets and highways in such a way as to obviate the necessity for bright headlights. Such an arrangement is generally feasible of accomplishment on city streets, and to effect this the following amounts of illumination are recommended as constituting a desirable minimum:

<i>Class of Street</i>	<i>Distance Between Lighting Standards Feet</i>	<i>Number of Lamp Lumens per Foot of Street</i>
Business streets.....	50-75	100-150
Main thoroughfares.....	50-75	80-125
Residential streets.....	50-75	50- 75

Mr. Upham's opinion incompetency is the principal cause for defaulting. This opinion coming from one who has been identified with highway improvement work for many years demands attention. The question naturally arises as to how to prevent the incompetent contractor from obtaining contracts for public work of this character. Just how far the prevailing legislative restrictions which require awarding contracts to the lowest bidder are responsible for this condition is problematical. Undoubtedly it is a serious factor in producing the situation.

No class of public work is more directly concerned with the economic and social welfare of the public than the providing of highway facilities. Expenditures for these purposes, particularly outside of the larger cities, constitute the largest contribution to the tax burden. It is imperative that any condition tending to increase unnecessarily the cost of highway work should be corrected.

✱

Illumination Requirements to Safeguard Highway Traffic.—Valuable suggestions with respect to the requirements of highway illumination to safeguard the use of public thoroughfares by

An important element in the street lighting provided for main thoroughfares on which traffic officers are posted is that of securing adequate flood lighting of traffic posts. In rural districts the expenditure required to install and maintain illumination on even those thoroughfares carrying heavy night traffic would be enough to improve and maintain a large amount of additional highway. Taking into account the fact that even though the principal highways were illuminated, most motor vehicles have to operate also on unlighted highways and would therefore have to be equipped with adequate headlights, the committee believes that in general it is more important to provide the greatest mileage possible of improved roads than to light the principal thoroughfares now existing.

The problem of illuminating highways connecting communities close together is essentially the same as that for city streets and should be so considered. In other words, complete illumination equal to the recognized minimum requirements should be provided. The committee points out that anything adjacent to the street or highway which can be utilized to reflect light will be of assistance in night driving. Curves, tree-trunks, telephone and trolley poles, side-

walks, fences and especially board fences erected at dangerous curves and at dead-end streets, if painted white or light in color, will be found effective.

Where parking is permitted at night—and it is frequently permitted at night in sections where it is not permitted in the daytime—the design of the illumination is important. This is especially true on narrow streets, where lamps mounted low may cause deep shadows of parked machines out into the center of the street, destroying the effectiveness of the illumination.



New Developments in Street Lighting.—

Three recent developments in street lighting which merit the attention of city officials contemplating additions to their street lighting systems include the asymmetric lantern, the four-way reflector and the highway lighting unit. The asymmetric lantern consists of a frame in the usual lantern form in which are mounted glass panels of a slightly diffusing character. Within this lantern and surrounding the incandescent lamp is mounted a cylindrical prismatic refractor whose prisms are so designed as to give an asymmetric, that is, non-symmetrical distribution. This new development not only sends the upward light from the lamp downward so that it will be useful on the street surface but in addition reclaims, to some extent, the light which is ordinarily thrown onto the lawns and front porches, bending it outward onto the street. This feature avoids the undesirable strong light on the front porches and increases the illumination of the street. Experiments indicate that with this type of unit a given minimum illumination can be produced at a considerable saving in energy over systems formerly in use, and furthermore, that an unprecedented uniformity in illumination can be obtained with a minimum number of units.

The four-way reflector is essentially a suspension type of unit, based upon somewhat the same principles as the asymmetric above described except that it produces four beams of light at an angle of 90° with each other, instead of two. It is made to be suspended over the center of intersecting streets throwing its maximum beam up and down each street. This device is said to be a highly efficient and very economical unit for such

use.

There are three types of highway lighting units on the market today. They are designed for a

mounting height of from 25 to 35 feet, a spacing of from 300 to 400 feet and will produce a fairly uniform illumination of low intensity almost entirely confined to the surface of the roadway. The illumination produced by this type of system is ordinarily sufficient to obviate the necessity for light-glaring headlights, this eliminating one of the most potent sources of accidents.



Controlling Pavement Restoration Work, New York City.—Prompt restoration of openings made for any cause in paved streets is essential both as an economic measure and to promote public convenience. Although the requirements of administrative procedure needed to effect adequate control over pavement restoration are comparatively simple, it is rather surprising how few cities secure satisfactory results in this matter. For that reason the methods followed by the borough of Manhattan, New York City, in controlling work of this character, as outlined by R. A. McGregor, assistant engineer in charge of street maintenance before a conference on administration of city paving departments, held during 1924 at the Engineers' Club of Philadelphia, is of particular interest. Mr. McGregor states that at the time a permit to open a street is issued "in Manhattan a double deposit is taken, as we call it,—that is to say, an estimate is made according to the purpose of the opening. An opening for water is generally considered about eight yards; a sewer connection is, I think, sixteen yards. Anyhow, the plumber, or the permittee, is charged for one repairing on that, at the rate of \$5.00 to \$6.00 per square yard, on a regulation estimate—always the same for an opening for water, and the same for an opening for a sewer. He then is charged an equal amount for a deferred payment, making the double deposit; and out of the first half of his deposit his first restoration is made, and he is charged only what that restoration costs. That is to say, he is charged the actual cost—it may be only \$5.05 per square yard,—he is charged with the exact amount per square yard for what is done to the area that requires to be restored. Then, the other half is retained for six months and at the end of that period, if the pavement has not gone down, that entire deposit is refunded. If it has gone down, the restoration cost is taken out, if the deposit was large enough; if not large enough, he is billed with the excess. The excesses amount to a very small sum. We do not send a

dozen bills a year against the second half of the deposit. We have the plumbers so well trained, apparently, that the trenches are better filled. All trenches are filled by the permittees, either plumbers or public service corporations.

"According to the court decisions the city has to charge the actual cost of restoration. At one time we used to charge a fixed amount, and made a little profit on it; but we are not allowed to make any profit on it now, and have to charge the actual amount. So the fee varies slightly from year to year, but it must be enough to cover the cost."



Motor Flushers for Street Cleaning Purposes; Chicago's Experience.—The superiority of the double unit type of motor flusher over the single unit for street cleaning work apparently has been demonstrated by the experience of the city of Chicago, Ill., in the use of this type of equipment. According to William J. Galligan, assistant superintendent of streets of Chicago, who discussed this matter before the last convention of the American Society for Municipal Improvements, the single units average 18 lineal miles per shift, consuming 2 quarts of oil at 12 cents a quart and 12 gallons of gasoline at 15½ cents a gallon, making a cost of \$2.07 for oil and gasoline. The twenty-one double units average 22 lineal miles per shift, consuming 2 quarts of oil and 15 gallons of gasoline, or a total cost of \$2.53 for oil and gasoline. All flushers operate with 40 pounds pressure on the stream. For the year 1923, the cost of operation for a single unit, including oil, gasoline, grease, shop, labor, parts, tires, depreciation, chauffeurs and helpers, averaged \$1.17 per lineal mile, while the double unit averaged 88 cents per lineal mile. The average cost of the latter per thousand square yards was 8.4 cents.

It has been ascertained by careful observation and accurately kept records that the double unit not only gives better results in operation because of ability to control the stream regardless of the speed of the truck, but also is to be preferred on the point of economy since the double unit flushes on the average four more lineal miles of pavement to a shift than does the single unit with the use of only three more gallons of gasoline and of thirty tanks of water as against twenty-eight tanks by the single unit.

The single unit runs on second speed when flushing and the double unit on high speed. On car-line streets, 50 feet or less wide, one strip is

made on each half of the street. On the first trip, which includes the center between the car-tracks, three nozzles are used on the single unit type and two on the double unit; while on the return trip two nozzles are used on both models. On residential streets, the full width of the pavement is flushed in one operation. With the single unit, good results are obtained only when the four nozzles are trained to the right of the direction traveled, while with double units, the nozzles are arranged to flush on either side of the street or both sides in one operation.



State Supervision Over Public Water Supplies in Michigan.—A reduction in the typhoid death rate in Michigan from eighteen to five per 100,000 population during the years 1913 to 1922 inclusive, is an accomplishment that may be attributed in considerable measure to the supervision over public water supply matters exercised by the state department of health. According to Edward D. Rich, director, bureau of engineering, Michigan department of health, who discusses this matter in a recent issue of the *Journal of the American Water Works Association*, the Michigan legislature in 1913 gave the state board of health supervisory control over all public water supplies of the state. This act provided among other things that the state board of health should have authority to make and enforce such rules and regulations as it deemed necessary in the interest of the public health for the proper operation of water works systems.

Naturally the efforts of the department have been directed largely towards the establishment by the various communities of water treatment works. This has resulted in increasing the per cent of population furnished with purified water supply from about 3 per cent in 1912 to over 50 per cent in 1922. Mr. Rich points out that in order to control the sanitary quality of water furnished it is decidedly important that the supervising body know the exact quality at all times and that some one directly connected with the water system be made responsible for maintaining the required quality. To accomplish this the state board of health adopted a resolution which requires that after January 1, 1916, whenever a water supply is subjected to treatment of any kind to improve its sanitary quality, the management must provide facilities for making laboratory examinations as frequently as deemed necessary by the state board of health and that

the results of these examinations must be forwarded to the board each month on blanks furnished by the state.

At the present time there are 50 laboratories in the state making water examinations regularly for 54 water systems and the results of these tests are reported each month to the Michigan department of health. The examinations are made as nearly as possible in accordance with methods adopted by the United States Public Health Service for determining the sanitary quality of water used for drinking purposes on interstate carriers and the standards recommended by the United States Public Health Service are used as standards for the water supplies of the state.

One could hardly expect each laboratory to do scientific work of the highest order, but it is significant that, so far as can be learned, even in the laboratories at the smaller plants the results continuously correspond very closely to those obtained from samples occasionally collected and examined in the laboratory of the state department of health at Lansing. By using prepared dehydrated media the bacteriological plantings are made comparatively simple and it has been

found that by having some one from the state department of health spend about two days with some intelligent local person, sufficient instructions can be given to enable him to carry out routine plantings and properly fill out the report blanks. Whenever reports show that the analyst is in need of further instructions, or upon request, other visits are made and assistance freely given.

It has been found important in giving the first instructions to follow closely routine procedure only. The analyst is not asked to interpret results, but is simply required to record his findings on the report blanks. After he has had time to become acquainted with routine procedure all reasonable efforts possible are made to give instructions in interpretation of results in and the cause and effect of water supply contamination.

In any community where but 50 per cent of the population is served with what may be termed safe water supply, there still remains much to be done. However, accomplishment to date in this matter within the state of Michigan reflects credit on the state department of health.

NOTES AND EVENTS

City Manager Also Prize Cook.—The city manager of Warrenton, Oregon, Mrs. Rose E. Barrett, the first woman to enter the profession, has other claims to fame. She has devised fifty-two ways to cook prunes.

✱

Improvement Program in Dayton.—At the last election Dayton voters approved a \$2,500,000 bond issue for public improvements. The work will get under way in the spring and includes street paving, erection of eight bridges, and installation of several storm sewers. The two year improvement program which has been adopted calls also for the erection of a sewage disposal plant and for the expenditure of \$2,500,000 on the water system.

✱

First New Jersey City to Adopt Manager Government.—Cape May has the distinction of being the first to adopt the manager plan in New Jersey under the new optional charter law. The vote was decisive, many citizens feeling that the old hit-and-miss arrangement was reacting unfavorably against the city's prosperity as a summer resort.

✱

Schenectady Imports Police Head.—Taking a leaf from the book of Philadelphia, the mayor of Schenectady, N. Y., has borrowed Lieut. William H. Funston from the New York police department, and made him head of the police of that city. This action follows a scandal growing out of lax police enforcement dictated from high places. The recent murder of a police captain, who had been active in spite of the disfavor of the higher-ups, brought the situation to a crisis.

✱

To Use Canal Bed for Subway.—The abandonment of the old Erie Canal has given to Rochester, New York, an opportunity that she has been quick to seize. She is building in the bed of the canal a subway which will be used for both passenger and freight transportation. Over the subway she is building a public street, which will be an imposing avenue, paralleling Main Street and giving much needed relief to congested traffic.

Great improvement will be made in the handling of the transportation of both persons and things. Every steam road, suburban electric road and surface car line in the city touches or crosses the subway, as does every main highway artery entering the city.

The benefits of the new subway are summarized as follows. It will:

1. Relieve the streets from the operation of the heavy electric interurban cars.
2. Eliminate the trucking of freight through congested streets by making it possible to move cars directly to private sidings.
3. Provide freight facilities to and from various freight terminals.
4. Prevent discrimination against industries in one section and in favor of those in another section of the city.
5. Tend to relieve congestion at public sidings by increasing the number and use of private sidings.
6. Establish Rochester as an open railroad port where railroads serving the city can render a maximum transportation service to industries having sidings, while shippers having private sidings are afforded access to and from all railroads serving the city.

Two of the three contracts for completing the work have been let, and already a portion of the decked-over street has been opened.

✱

PUBLIC UTILITIES' ATTITUDE TOWARDS DEPRECIATION

To the Editor of the

National Municipal Review:

Sir:—I have read with much interest Mr. Bauer's reply to my article in the December number of the REVIEW.

I realize that the discussion cannot be prolonged but beg leave to illustrate the character of Mr. Bauer's reply by two quotations.

In the original article in August Mr. Bauer, speaking of the probable reasons for the utility companies' position, said:

But the chief purpose is to support the companies' contention for reproduction valuation *without any deduction for depreciation*. This has

been the center of conflict in regulation. The commissions have mostly held the view that the proper basis of return, or rate base, is the actual cost of the properties used in public service, *less depreciation. This is consistent with the accounting requirements relating to depreciation.* (Italics mine.)

This statement I challenged, and I think I proved its inaccuracy.

Mr. Bauer replies in the January issue:

I made a casual statement that "the commissions have mostly held" to actual cost instead of reproduction cost as the proper basis of primary valuation. . . . For the present I shall prove my statement by referring to Judge Brandeis' analysis in his minority opinion in the Southwestern Bell Case.

He follows this with a quotation from Justice Brandeis' opinion in which depreciation is not even mentioned.

In other words, Mr. Bauer, writing about depreciation, made a positive statement with regard to the relationship of depreciation to valuation. When this statement is challenged Mr. Bauer repeats his statement leaving out all references to depreciation and attempts to prove it by quotations which have no reference to depreciation.

Very sincerely yours,

W. H. MALTBIE.



Tax Amendments to the Mississippi Constitution Fails.—The "classified tax amendment" to the constitution of Mississippi was rejected by about eight to one majority in the November election.

Section 112 of the Mississippi constitution reads in part: "Taxes shall be uniform and equal throughout the state."—As sought to be amended, Section 112 would have read in part: "Taxes shall be levied upon such property as the legislature shall prescribe and shall be uniform upon the same class of property within the territorial limits of the authority levying the tax."

It was anticipated that the changes which probably would have been made in the immediate future in the present plan of taxation, had the amendment carried, would have been: (1) the amendment of the statute granting total exemption on intangible property, like money on deposit in banks, notes, stocks and bonds, etc., and (2) the placing of a severance tax upon the privilege of cutting timber and, in addition thereto, a system of reforestation would have

been worked out, whereby an exemption from taxation would have been granted to those lands set aside for the purpose of growing timber, until such time as the timber was ready for harvesting.

It is believed that the amendment was, in the main, defeated because of the following reasons: (1) The concerted effort of the lumber industry. (Their policy in the past has been to cut out the standing timber and abandon the denuded lands; they have not been interested in reforestation plans.) (2) The press of the state was almost solidly opposed to the amendment, with the result that the claim seems well founded that "the mass of the voters were uninformed and voted their prejudices rather than their convictions." (3) The cry of "don't tamper with the constitution."

A. B. BUTTS.



Chinese Municipal Association Organized.—

In recognition of the pressing importance and imperative need of municipal development and reform in China, the Chinese Municipal Association has been organized with one of its chapters in New York. The objects of the association are to make investigations on municipal conditions, to initiate studies in the science of local government and to promote efficient and economical municipal administration. Its functions may be briefly sketched: (1) to make investigations of the actual conditions in different municipalities; (2) to make studies of various problems relating to municipal government and administration; (3) to render assistance to different cities in developing programs of municipal progress; (4) to write and translate books, magazines, periodicals, and gazettes relating to municipal government and administration; (5) to serve as a clearing house of municipal information; (6) to propagate civic education; (7) to establish municipal libraries; and (8) to accelerate various other activities falling within the scope of local self-government.

In order to carry out these functions, the Association is planning to establish a national bureau of municipal research, a training institute of public administration, and also to publish a municipal magazine.

Its charter members are all students of municipal government and administration, sociology, public health, municipal engineering, economics, education, architecture, etc. Its officers are: Chun G. Kwei, president; Huang Lo, Chinese

secretary; Ching-hui Chang, English secretary; and Kwan-chun Shen, treasurer. The association has asked Dr. Charles A. Beard, one of the most distinguished authorities in government and history and formerly adviser to the Japanese government, and Dr. Luther Gulick, director of New York Bureau of Municipal Research, to be their honorary advisers. With their advice and help, the association will surely be able to make rapid progress.



California Referendum on Constitutional Amendments.—In California, at the November election, the voters adopted a constitutional amendment increasing the salary of state legislators from \$1,000 for each biennium to \$100 a month, or \$2,400 for the two-year term. As part of the amendment, the mileage allowance was decreased, and the allowance for attachés for both houses was practically cut in half. At the same election, a state athletic commission was authorized to be appointed by the governor to regulate boxing, wrestling contests, etc., and boxing contests up to twelve rounds were authorized. The voters also authorized special taxation, at rates to be fixed by the legislature, of stocks, bonds and other evidences of value secured by property outside the state and usually classed as "foreign" securities.

An amendment was adopted authorizing the legislature to provide for the constitution and organization of municipal courts which would have concurrent jurisdiction with the superior court in criminal cases and cases involving considerations of up to \$1,000; under this amendment it will be possible in cities of over forty thousand, if the procedure is adopted for such cities by the voters thereof, to combine police courts and justices' of the peace courts. Poll taxes abolished by vote of the people in 1914 were re-enacted at a rate not less than five dollars, but not to apply to veterans or any person paying more than five dollars in taxes. A measure to authorize exclusive taxation by the state of highway transit companies in lieu of the present system of both state and local taxation was voted down.

The highest vote of any of the amendments was attracted by the so-called water and power act, which authorized a bond issue of \$500,000,000 and created a water and power commission with power to expend this sum for the acquisition and construction of water and power utili-

ties. This amendment was voted down (for the second time) by a vote of 751,985 to 320,883.

WILLIAM H. NARBY.



Lake Drainage Case Lost by Chicago.—The Chicago Sanitary District, in which is included the city of Chicago and other territory, has been taking 10,000 cubic feet per second from Lake Michigan for purposes of drainage and sanitation. Many millions of dollars have been spent upon a sanitary system, the principal feature of which is a canal through which lake water at the above rate is being diverted. This practice must now be discontinued in accordance with a recent decree of the United States supreme court which denies to the sanitary district the right to take more than 4,167 cubic feet per second. The district is threatened with a heavy financial loss, and Mayor Dever has stated that the city faces a serious epidemic if the ruling is carried out before the new sewerage system, now being constructed, is completed.

The federal government and a number of the states bordering on the Great Lakes were the opponents in the suit, asserting that the withdrawal of the water on such a scale lowered lake levels and was therefore damaging to the interests of navigation and power development, and that it was contrary to the treaty with Great Britain because it affected the natural level and flow of boundary waters. The last clause of the decree holds out a suggestion of relief by stating that it is without prejudice to any permit that may be issued by the secretary of war in accordance to law.

Ultimately congress will be asked to legalize the full 10,000-foot per minute flow.



Westchester County (New York) Government Act.—The Westchester County Government Commission which has been working for the past three years in the preparation of a charter for a new form of government for Westchester County, New York, has recently submitted to the board of supervisors for its consideration an act embodying their recommendations. The main features relate to a rearrangement of the legislative and executive functions of the county government. Under the plan contemplated the board of supervisors will be divested of its present administrative powers and become a strictly legislative body. The executive power is to be vested

in a county president and other executive officers and departments provided for by law or by ordinance of the board of supervisors. The charter provides for four elective offices, namely, president, vice-president, county treasurer, and county commissioner of finance, each to serve a four-year term. The position of commissioner of finance is to be established in lieu of that of county comptroller, the latter being abolished. The office of coroner also is to be abolished and the powers, duties and jurisdiction now conferred on that office are to be exercised by a medical examiner to be appointed by the county judge for an indefinite term. Provision is made for the following county departments with administrative heads as indicated:

1. A department of finance (comptroller, elected).
2. A department of contract and supply (ex-officio board).
3. A department of health (director appointed by president).
4. A department of public welfare (director appointed by president).
5. A department of law (director appointed by president).
6. A department of public works and buildings (director appointed by president).
7. A department of engineering (director appointed by president).
8. A department of weights and measures (director appointed by president).

Two boards are to be established, namely, a board of estimate and apportionment and a board of contract and supply. The board of estimate and apportionment is to comprise the president, vice president and the commissioner of finance while the board of contract and supply is to include those officers together with the county attorney and county engineer. The functions of the board of estimate relate principally to the determination of county needs in the matter of positions and salaries and the preparation of annual estimates of expenditure for all county purposes. The board of contract and supply is to be responsible for the award of contracts and the purchase of supplies.

WILLIAM A. BASSETT.

Important Zoning Decisions in Massachusetts.

—In October last the supreme judicial court of Massachusetts handed down three important de-

cisions regarding zoning, all being written by Chief Justice Rugg. They are the following: *City of Lowell v. Stoklosa*, 145 N. E. 262; *Brett v. Town of Brookline*, 145 N. E. 269; *Spector v. Town of Milton*, 145 N. E. 265.

Soon after these decisions were handed down Edward M. Bassett, at the request of Edward T. Hartman, chief of Bureau of City Planning and Zoning, State House, Boston, made a brief statement of his estimate of these opinions as follows:

"The Lowell case is the first decision of an appellate court in the United States, so far as I know, upholding a so-called interim ordinance as to exclusion of a business building.

"The Brookline case is the first decision of an appellate court in the United States, so far as I know, upholding a one-family house use district.

"The Milton decision is an excellent one upholding the exclusion of stores in a residence district on the use map. It is one of eight best cases decided by appellate courts on this subject. It is the exact point on which the courts of New Jersey have balked.

"These cases will be decisive in Massachusetts. They will not be decisive in other states, but will be of great assistance to the courts. My view is that these cases would have been decided the same way if there had been no constitutional amendment in Massachusetts. The effect, however, of these decisions, especially as Chief Justice Rugg refers to the constitutional amendment in one of the cases, will be to encourage constitutional amendments in certain states.

"The main danger from these decisions in Massachusetts will be that municipalities will tend to disregard the fundamentals of the police power, *i.e.*, health, safety and morals, and consider that almost anything that bears the name of zoning will meet with court approval.

"I think you should advise municipalities to adhere to zoning that is non-confiscatory, non-arbitrary and impartial. You should especially advise against interim zoning excepting possibly for a few months pending the preparation of maps. The greatest danger throughout Massachusetts will be the spread of interim zoning which will be allowed to become permanent."



Bus Franchises in Ohio Home Rule Cities.—Ohio has recently been the scene of considerable agitation over the powers of "home rule cities" to control the granting of bus franchises for intra-city business. The trouble has grown out of the

passage by the 1924 legislature of a bill providing that the state utilities commission shall hear and pass upon the application of bus companies for franchises enabling them to engage in business in the cities of the state including cities operating under "home rule" charters.

Certain applicants, known as the Rhineock-Sims interests, recently entered a petition before the state commission for a franchise to operate bus lines in Cleveland, the largest city of the state, and operating under a home rule charter. The city authorities, the officials of the street railway company and various civic organizations became thoroughly aroused. They saw in the act (known as the Collister-Freeman bill) a very serious blow to "home rule" rights and powers. For, they argued, if a "home rule" city's powers over an important public utility, such as bus companies, were thus invaded, "home rule" would be imperiled indeed. It was therefore their contention that the city council of a "home rule" city was the only public body vested with power to grant a franchise for the operation of bus companies within the corporate limits.

The hearing upon the Rhineock-Sims application therefore brought forth the most strenuous opposition on the part of Cleveland's city administration, the city council, the street railway company and civic organizations. These saw "home rule" more or less nullified, the street railway company subjected to ruinous competition and the public's welfare jeopardized if the commission were to act favorably to the bus interest's application.

The hearing has not been completed, proceedings being recently postponed until February. Meanwhile a bill has been reported in the present legislature amending the Collister-Freeman act to exempt transportation lines in cities from control by the Public Utilities Commission. Final decision of the conflict is yet to come.

LEYTON E. CARTER.

State Municipal Leagues Organize.—Pursuant to a call issued by John G. Stutz, the secretaries of ten state leagues of municipalities met for a two day exchange of ideas at Lawrence, Kansas, December 12 and 13. Representatives from ten states attended.

Every available minute was given over to round table discussions. The subjects covered included: Informational service for city officials; field service; research, methods and results; or-

ganization and activities of the membership, conventions and committee work; securing good state municipal legislation; the official publication, policies and problems, and municipal library materials and methods. On Friday evening the secretaries were the guests of the Kansas league at dinner at which Dr. Frederic H. Guild, chairman of the department of political science of the University of Kansas, spoke on "Public Personnel Training: A Challenge in the Local Government Field."

A feature of the meeting was the extensive exhibits of work done, prepared and arranged by the different secretaries. Some of the secretaries who could not attend, sent exhibits as their contributions. It was decided to form a permanent national organization of which Mr. Lambie was elected president, Mr. Wallerstein vice president and Mr. Stutz, executive secretary. The secretariat was established at Lawrence.

Invitations will be extended soon to all active leagues which were not represented at the meeting to become members of the organization. These include California, Utah, Wisconsin, Nebraska, Tennessee, West Virginia, North Carolina, New Jersey, New York and Ohio.

The national secretariat is to receive monthly reports from all members of the organization of all work completed, publications issued and research under way. The various members undertake to furnish free of charge to all the other members copies of all publications issued and to file at the national headquarters copies of all survey forms, control sheets, convention programs, legislative bulletins and other information of like nature for the use of all of the members. This plan was evolved to avoid the present cumbersome and voluminous correspondence which passes between the individual leagues each year.

Future meetings of the Association of American Municipal Organizations, which was the name adopted by the new group, will be called when needed by the executive committee, which consists of the three officers.

HARVEY WALKER.

Survey of Cleveland Municipal Electric Light Plant.—The municipal electric light plant of the city of Cleveland has recently been made the subject of a thoroughgoing study. The city administration was responsible for the undertaking, and employed A. B. Roberts of Cleveland, a consulting engineer, and the Municipal Research

Bureau for the work. Mr. Roberts' part in the investigation embraced a determination of the physical condition of the plant in its component parts, the improvements, extensions and replacements needed and their probable cost, and the need, if any, for rate changes. The Bureau's study embraced a history of the financial operations of the plant, a determination of its present financial condition and of the adequacy of the system of accounts and record keeping.

The examination revealed that in all but two years of the plant's history it had succeeded in meeting operating, maintenance, interest, depreciation and debt retirement charges. The plant is tax free and while a theoretical charge for taxes is made it does not result in any actual expenditure of cash. The study further revealed that if an actual charge for taxes were added to the other charges the plant would show an operating profit for only two years during nine years of operation.

The system of accounts was found to be adequate in the main but the books of record and methods of record keeping were quite inadequate to the needs of the enterprise. Great need was evident also for the establishment of a chief financial officer for the plant. The Bureau made thoroughgoing recommendations for the rehabilitation of the current methods of record keeping and for establishing more adequate financial control. These recommendations have met with favor by the city administration and steps are being taken to put them into effect.

The chief value of the report to persons outside of Cleveland interested in such enterprises may be derived from the fact that it represents a thoroughly dispassionate and impartial analysis of the financial operations of a good sized municipal public utility enterprise.



State Control over Motor Bus Operation Within Cities.—Under a decision recently handed down by the supreme court of the state of Pennsylvania, the Pennsylvania public service commission has the sole right to decide who shall and who shall not use the streets of any municipality in the commonwealth for bus transportation purposes without regard to any ordinances passed by local authorities.

The essential facts with respect to the case on which this decision was based, although related to a local matter involve a situation which might arise in many other localities, and thus are of

general interest. According to a recent issue of *Bus Transportation*, this decision, which is the result of a long-drawn-out battle between rival bus operating companies in the city of Chester, Pa., is expected to have far-reaching effects and to clarify a situation that has been puzzling to bus operators and municipal officials for some time. It virtually places the sole control of the bus operating business in the hands of the commission.

The case at issue had its inception last spring when the Southern Pennsylvania Bus Company, a subsidiary of the Southern Pennsylvania Traction Company, which operates street cars in Chester, went before the city council and asked permission to use certain streets for the operation of buses. At the same time the company filed an application with the state public service commission for a certificate of public convenience for the same streets.

The city council refused the company permission to operate over these streets, but a short time later the public service commission granted the certificate. Meanwhile, a company consisting of local business men was formed under the name of the Chester Auto Bus Line and application made to council to operate buses over the same streets as the Southern Pennsylvania Bus Company had asked for, and this permission was duly granted by ordinance.

The Chester Auto Bus Line then filed an application with the state public service commission for a certificate of public convenience. The Southern Pennsylvania Bus Company protested and the application was refused. Contending that the city council had priority rights in granting permission for the use of the city streets, the Auto Bus Line took the case to the state superior court, which upheld the commission. It then took the case to the supreme court, which has just handed down a decision affirming the decision of the superior court.

The Southern Pennsylvania Bus Company has again applied to the Chester city council for permission to use the streets of the city and the matter is now pending before that body.

WILLIAM A. BASSETT.



Effective Campaign Against Arson in Detroit.—A reduction in the number of fires of incendiary origin in the city of Detroit from 111 during 1921 to 30 in 1923 has been effected largely through intelligent co-operation between

the police and fire departments of that city. During the latter part of 1921 following the public disclosure of the operations of the Morris Coleman gang whose leader confessed that he alone had set 17 fires within the city on a contract, the commissioner of police of Detroit appointed two detectives as members of an arson squad. These men were relieved from other work in the police department and assigned to the investigation of fires exclusively. The men were given a small office in which they might interrogate witnesses.

The fire commissioners of Detroit issued instructions to all of the battalion chiefs of the fire department to make a close survey of every fire to ascertain whether the origin was incendiary, suspicious, or purely accidental. The fire department was notified in the event of suspicion as to the origin of any fire, or in the event that there was any physical evidence to show that the loss was incendiary, that the police department might in turn be immediately informed.

Whenever a battalion chief calls the police department, and notifies them that a fire is of suspicious origin, whether it be night or day, uniformed policemen are sent to the scene to take entire charge of the building to preserve the evidence and to keep any one from entering the building until after the arrival of the members of the arson squad. On the arrival of that squad, the watch may be maintained or it may be discontinued, according to the circumstances, but the detectives at once begin a thorough investigation. If there is any physical evidence, or if photographs are necessary in order to show exact conditions, the city photographer is called and the premises are photographed. If necessary, the city engineer is called to make a drawing. Witnesses are taken to the rooms of the arson squad and interrogated; the testimony is transcribed; and, if it is deemed that a case has been developed, the detectives of the arson squad cause the arrest of the suspect, who is given a preliminary hearing and either held for trial or discharge. All of the physical evidence is removed to police headquarters and sealed and marked for exhibit at the trial. The district attorney is furnished with a copy of the report and copies of photographs. All physical evidence is brought into court by the detectives so that it may be introduced as exhibits, and these detectives follow the case until its final determination. Since the beginning of their service under the Detroit plan eleven convictions have

been obtained for the crime of arson committed in Detroit.

The simplicity and economy of this Detroit plan of co-operation of the police and fire departments in the work of discouraging arson should appeal to the officials of all the cities of the country that are faced with a situation comparable with that formerly prevailing in Detroit.

W. A. BASSETT.



New York City Board of Examiners for School Teachers Under Fire.—The application of the merit system to the teaching force in the New York City schools is in the hands of a board of examiners in the department of education, consisting of seven members. The members of this board are selected through competitive examination held by the New York City civil service commission. An examination of its methods and its work was recently made by the Bureau of Public Personnel Administration and it (the board of examiners) was characterized as having attained a degree of perfection in examining methods equal to that of any civil service commission in the country.

In the year 1923 one of the members of the board, Joseph M. Sheehan, was detected by his fellow-members to have re-rated certain candidates in an examination without the consent or knowledge of the board as a whole. The circumstances seemed to a majority of the members to justify the preferment of charges against Mr. Sheehan. Before the charges came to light the New York City board of education undertook an investigation of the entire board of examiners. This investigation was placed in the hands of a single individual, George J. Ryan, the president of the board of education. Countercharges were brought against various members of the board of examiners by Mr. Sheehan. The investigation conducted by Mr. Ryan was devoted for the most part to hearing countercharges brought against the members by Mr. Sheehan. Finally, Mr. Ryan after considering all of the charges and countercharges reported to the board of education on December 4, 1924, that he found five members of the board of examiners guilty of "irregularities." He said further, "undoubted guile was used by them in securing favorable action on certain cases." Two members of the board were singled out as being free from any criticism. These two members, however, allied themselves with four of the others

who were attacked in the report, and in a letter to the board of education stated that if these four were guilty of irregularities or had used guile in official actions, they were equally guilty of the same offenses. These six members then joined in a petition to the state commissioner of education in Albany, asking him to undertake a complete and thorough investigation of the whole matter so as to determine the facts. The petition to the state commissioner attacked the seventh member of the board of examiners, Mr. Sheehan, on the ground of the charges which had previously been preferred against him.

In the midst of the investigation the board of education has authorized an independent survey of the public school system in New York City under the jurisdiction of a survey committee of two, consisting of the president of the board of education and the superintendent of schools. This committee was authorized to employ Dr. William H. Allen to conduct the survey. Dr. Allen's report has not as yet been published.

H. W. MARSH.

✱

San Francisco Vote on Charter Amendment Increases Expenditures Nearly \$2,000,000.—The voters of San Francisco at the November election were required to vote on 24 proposed amendments to the charter of the city and county in addition to 18 proposed amendments to the state constitution. Eighteen of the proposed charter amendments were ratified by the voters and six were rejected. Eight of the amendments had to do with proposed salary increases; of these four were adopted and four rejected. Those rejected included proposed increases for police judges, \$3,600 to \$6,000, an increase for the sheriff's attorney from \$1,800 to \$3,000, an increase for the mayor from \$6,000 to \$12,000, and an increase for the chief and assistant chiefs of the fire department. The latter, although defeated as a separate amendment, was carried as part of another amendment providing for increases for all of the personnel of the fire department.

The salary increases that were authorized included an increase for the auditor's attorney from \$1,800 to \$3,000; an authorization to the supervisors to fix, at not to exceed \$8,000, the salaries of auditor, treasurer, city attorney and other elective officials whose salaries are now fixed in the charter; and salary increases for all ranks of the police and fire departments—the increased salary for the men gives them \$2,400

a year as compared with the present \$2,040 a year. These salary increases, together with automatic increases in pensions that they will bring about, will add about \$770,000 to the cost of San Francisco's government.

Other important measures that were carried include: An amendment establishing eight hours within a ten-hour period as the "basic" day for employees on the Municipal Railroad, which it is estimated will add from \$200,000 to \$478,000 to the operating expense of the Municipal Railway; a city pension system for teachers as a supplement to the present inadequate state pension system, which it is estimated will add from \$200,000 to \$260,000 to city operating costs; a reorganization of the fire department pension system, extending "service" and "disability" pensions to widows and children, and changing the salary basis on which the pension is to be calculated from an average for three years prior to retirement, to the salary at the time of retirement. It is estimated that this change will add 40 per cent to the city's liabilities under the present pension system, which, on a non-reserve basis, is roughly calculated as an additional cost of from \$60,000 to \$96,000 a year.

A special tax was voted for playgrounds on the basis that these had been heretofore inadequately provided for when appropriations were left at the option of the board of supervisors. After several years of effort an amendment was introduced and carried providing for sound scientific salary-standardization procedure and empowering the supervisors to fix all salaries for general departments, excluding fire, police, school, library and park employees—obviously a compromise, but at least a good start. An amendment was also adopted authorizing the use of the city's credit for financing special assessment work which, it is expected, will materially reduce the cost of contract work for public improvements to be funded by special assessments, and, consequently, materially reduce the cost of such work to property owners assessed therefor.

A proposal to increase the city's bonded debt limit from the present 15 per cent of assessed valuation to 20 per cent of such valuation, was voted down. This amendment was urged as necessary to pave the way for a power bond issue which it is expected will be proposed to the people late in 1925.

The amendments submitted to the people of San Francisco for their vote included several that were unusually technical in their applica-

tion and which involved complex studies for the purpose of determining just what their effect would be. Needless to say, with the large number of amendments to be voted on and in the flurry of a presidential election, it was utterly impossible to bring to the attention of the people the complex factors involved. As a result the vote on individual amendments was largely influenced by sentiment or prejudice, with perhaps little understanding that, by such vote, municipal expenditures were being increased by from \$1,450,000 as a minimum, to nearly \$2,000,000 as a maximum.

WILLIAM H. NABRY.



Minneapolis to Vote on Manager Charter.—

After a period of three years of more or less intensive work, the Citizens' Representative Charter Committee has made the following decisions with regard to a new charter for the city of Minneapolis:

The council-manager charter as drafted by Dr. A. R. Hatton will be submitted to a vote of the people at the regular municipal election to be held in June, 1925.

This charter will be submitted by petition.

The charter will provide for new government to take effect July 1, 1927, which will avoid legislating out of office any of the existing aldermen; serve notice to candidates in the coming municipal election that their term may be shortened by two years; and give ample opportunity for getting ready to put the new government into operation.

To take no chances upon a declaration by the supreme court that the proportional representation provisions of the charter are unconstitutional the committee decided to use a single member, regular ward plan as a basis for electing 17 members to the council which, with the mayor, makes a council of 18. This arrangement will last for a definite period of two years. If, as is hoped, an amendment to the constitution authorizing P. R. shall be passed by the legislature this winter and adopted by a vote of the people in November, 1926, it will not be necessary to use the single member district plan. If it should fail, the committee has provided that at the end of two years the four member district shall be used and the same number of councilmen shall be elected by P. R. This will afford the basis for getting a friendly taxpayers' suit to enjoin the city from spending money for an election whose constitutionality is in doubt. Again, if the supreme court declares in favor of P. R., the single member district plan will not have been used. If P. R. is declared unconstitutional, the charter will still possess a plan of election that is legal and more important, will have gained the reorganization of the administrative side of government.

There is growing interest in the charter although among the more conservative group it still takes the form of a redistricting amendment to correct the very uneven distribution of population resulting in unfair representation in council. The interest is so great that a member of the Hennepin County Delegation has drafted two proposals to submit to the legislature now in session. One will call for an order on the part of the council to redistrict whenever the discrepancy between ward populations is greater than 10 per cent and if the council fails to carry out this direction, the other bill will direct the Charter Commission to redistrict the city. The latter plan is probably illegal since the Charter Commission has that authority now and no additional legislation could add to it.

The charter movement is the beneficiary of the growing friendly feeling toward a reorganization and simplification of the state government upon the basis of which the new governor and many of the legislators were elected. Simplification of city government has been a crying need for a much longer period than for the state but the latter has the support of the business men and they are likewise beginning to give evidence of their desire to simplify the administration in the city government to a point where they know who is responsible and how to get responses out of a single rather than many elective bodies. They have always been in favor of concentrating legislation in one place. There is some doubt in their minds as to the method of selecting the administrative head, whether by election by the people or selection by representatives of the people (the council). It would appear that the latter plan is gaining ground. However, the only satisfactory test will be a vote and after June we will know much better than we do now where we stand. The examples of Kansas City where a vote is to be taken in February, and of Seattle voting probably in March, will, if favorable to the proposed manager charter, strengthen the movement in Minneapolis.

F. L. OLSON.



MORE ABOUT BORROWING VS. PAY-AS-YOU-GO.

To the Editor of the

§ National Municipal Review:

Sir:—Mr. Sumner is, of course, correct in his analysis of the influence of the growth of popula-

tion and wealth (he calls it "ratable values") as factors tending to delay the penalty which he admits must be paid for borrowing. The question he asks is how long the advantage continues, and what will happen after it ceases. It is my desire to answer that question by reference to the experience of the largest and wealthiest of our municipalities, New York City. He may then, perhaps, realize that the penalty has appeared, and that it is far from slight.

During the quarter century that elapsed since the consolidation of the five boroughs to form the greater city, there was issued, excluding assessment bonds, a total of \$1,347,389,732 in corporate stock and corporate stock notes. Redemptions and cancellations amounted to \$319,570,827, so that the increase in the gross debt was about 1,028 millions. The change in gross and net debt can most easily be visualized in the following statement:

	<i>January 1, 1898</i>	<i>January 1, 1924</i>	<i>Increase</i>
Gross Debt	\$302,902,635	\$1,330,721,540	\$1,027,818,905
Sinking Funds	92,718,373	242,897,501	150,179,128
Net Debt	\$210,184,262	\$1,087,824,039	\$877,639,777

The cost for interest and redemption during these 26 years was only 241 million dollars less than the total of bonds issued, amounting to the staggering total of \$1,106,439,515, of which 171 millions were not reflected in the budget. Despite that cost, the net debt increased more than 875 million dollars.

The full significance of what has happened is not entirely visible in the statement that the debt service costs were only 18 per cent less than the total bonds issued, nor perhaps even in the fact that it will require one and three-quarter billion dollars at least to liquidate the existing enlarged net debt, but lies rather in the present situation and that of the past few years. It requires a comparative analysis year by year since 1898 of the issues and debt service costs. As I do not desire to take the space required for such a table, I will merely refer to it.

In the first place the increase in annual issues bore no relation whatever to the increase in either population or wealth. They rose within a few years from 21 millions to a height of almost 80 and then fluctuated between 60 and 70 millions annually. The average for the twenty years ended with 1917 was approximately 55 million dollars, which was also the amount issued during both 1916 and 1917. The interest and redemption requirements during the period rose steadily as

the debt kept piling up, so that, although the average for the twenty years was only 36 million dollars, the costs of 1916 were only \$850,000 less and those of 1917 were \$7,900,000 more.

In the six years 1918-1923 inclusive, despite the greatly increased costs of construction, the issues amounted to only \$250,782,675, whereas the costs were \$393,780,253. It is true that the effects of the war in hampering municipal improvements had something to do with the let-down. This was especially visible in 1918, 1919, and 1920, during which an average of only 27 millions was issued, while the average for the next three years rose to 67 million dollars, and it will go even higher as the subway building program goes into effect, especially at construction costs 125 per cent higher than pre-war.

It must be evident, however, that New York City had been on the point of stabilizing its yearly issues at a level not much higher than 55

million dollars annually. As against that the costs for interest and redemption were 70 millions in 1923. For 1925 the budget alone calls for \$79,337,280. This figure will be increased by the extra-budgetary costs of at least two millions, and would have been much greater if the average of 55 millions issued had been maintained. What is more, the spread would have widened for at least the next fifteen or twenty years to such an extent that the debt service should have been probably more than twice the average bond issues. Now, however, it is likely that the increased construction costs will result in increasing the amount of bonds issued annually and thus serve to "ward off" the penalty for a few more years.

There are other important effects, as, for example, on the margin of borrowing power. There are still other practical considerations involved which I will not take the time to go into here. The above ought to suffice to indicate that the arguments behind the proposal to use current funds for financing public improvements are not academic nor wholly theoretical, but that public borrowing does and has brought with it practical problems of overwhelming importance which we must face now if we would avoid catastrophe.

T. DAVID ZUKERMAN.

NOTES ON GERMAN MUNICIPAL AFFAIRS¹

CONTRIBUTED BY W. E. MOSHER

The German Conference of Cities (Deutscher Städtetag) is a characteristic product of the thorough-going methods of this people. It was organized in 1905 and convened in September, 1924, for the sixth general session. All large cities and a number of smaller ones of 10,000 population and above are enrolled among its members. The total number is now 292, having a combined population of over 24,000,000.

At a recent meeting which took place in Hanover, several developments were reported that will be of interest to American readers. Among these is the invasion of partisan politics into the sphere of local administration. The author of the report, an oberbürgermeister, sets up the familiar formula that the determination of communal policy should be above and apart from political as well as economic partizanship. But he is forced to conclude—and with deep regret—that partisan politics have probably now come to stay in local affairs. It appears therefore that the future references to the German city as a model illustration of the possibility of divorcing local government from national political currents will have to be qualified.

The subject which occupied the first and most important place on the program had to do with the restoration of the independence of local government. The opinion of the conference on this matter found expression in the following resolution:

That the German Städtetag objects in the name of the German cities to the general and progressive repression of the local administrative authority that is taking place through legal enactments and the extension of control exercised by the Empire and its various states. The right of independent administration is an essential part of public administration. It is the living source of the creative power of a people, and doubly necessary at a time when the political and economic life of a country is in the process of reconstruction.

The cities accept without qualification the duties which they have as members of the larger political units. They demand, however, the freedom of movement which constitutes the very essence of independent administration, and they object to all interference or evidence of paternalism on the part of the state except that which

proves to be absolutely necessary in the interest of the whole.

The second demand made by the conference was that a general and uniform codification of German municipal law be worked out and that in this codification the rights of self determination be consistently observed. (Dr. Weiss in the *Preussisches Verwaltungs-Blatt*.)



The Taxpayer's Ethics.—The bürgermeister of Dresden contributes an interesting article which deals with the necessity of developing moral standards with reference to taxation. He points out the impossibility of working out a really effective control through penalties of various sorts, making it necessary to appeal to the moral sense of the individual taxpayer. This seems to him to be a consideration that the lawmaker must take into account in drafting legislation together with factors of public finance, economics and those of a more or less technical nature.

One of the influences that has tended to undermine the moral sense along this line is the bewildering amount of special legislation in which the central government, the states and the communes have all participated. One writer applies the term "tax Bolshevism" to the conditions now prevailing. The recognition of boundaries between governmental units and the simplification and reduction of the sources from which public income is to be derived are in the author's judgment mandatory if the authority of government and respect for tax laws are to be restored. (Dr. Kretschmar in the *Zeitschrift für Kommunalwirtschaft*.)



City Planning.—In reviewing the recent development of Gelsenkirchen in the Ruhr from the viewpoint of city planning, a member of the planning commission gives credit to his home city for the working out of what he terms a "planetary" system of suburban growth. He likens it to the relation between the sun and its planets. The characteristic feature of such development is that the smaller suburban or satellite cities spring up at a proper distance from the mother

¹Dr. Mosher will contribute each month notes gleaned from German and French publications on local government.

city so that they carry on their independent existence, turning to the central city only for major requirements for commodities, administration and culture.

The writer of the article urges that it is the business and one of the most important tasks of the organization in charge of the settlement of new units to avoid or at least to systematically regulate the process whereby a smaller unit combines with the central one. In this way it will be possible permanently to maintain such free and open spaces about the city as are recognized to be in the interest of both public health and beauty. (Bürgermeister Antoni in the *Zeitschrift für Kommunalwirtschaft*.)



Public Utilities.—The financial pressure under which the German cities have been laboring since the war has brought about a reorganization of various municipal units that has made for efficiency and financial saving. One writer from Hanover considers that necessity has proved to be a good organizer. He refers to the consolidation of the municipal gas, electric and water works that has taken place in this city. The combined reading of meters, the computation of charges, the collection of money and fiscal control through a central agency, have resulted in the reduction of staff by about ten per cent (23 persons). The combined purchase and sale of supplies and various by-products, together with improved bookkeeping incidental to such activities, has also resulted in very considerable savings. From a technical point of view, however, the various municipal enterprises have been handled quite independently.

One of the most interesting features of this consolidation is the organization responsible for the control of the various public works. The executive committee in charge consists of the oberbürgermeister or his representative, the general director, four members elected by the magistrates from its own number, nine from the council of citizens. As advisors to this committee, the following officials and representatives are attached: the directors of the four individual enterprises, a representative who is selected by the permanent officials of the works, and one selected by the workmen from their own number. The executive committee has about the same obligations as the board of directors of a corporation. They are the policy determining body.

The experience of the past two years stamps the reorganization with success. It is worth noting that in the whole process of reorganization it has been possible to avoid considerations of a partizan character. (Senator Bock, *Zeitschrift für Kommunalwirtschaft*.)



Public Health.—The serious deprivations accompanying and following the war experience of Germany have given a very decided impetus to the installation of public baths. A society for public baths has been formed, and according to a report of its last annual meeting, opinions of physicians are unanimous that bathing is one of the most effective means of combating illness and improving the health and hygiene of the people. The conclusions reached independently by two authorities in the field of public hygiene are that light, air, and swimming baths should be recognized as significant curative factors and means for avoiding diseases. Especial attention was given in the course of the conference to the beneficial effects of air and water baths on rickets or the so-called "English sickness" that has been widespread on account of the privations due to the war and the economic conditions since 1918.

It is pointed out further that the great number of anaemic women and those suffering from lung trouble, as well as the youth in general, will profit from bathing of the type just referred to. In spite, therefore, of the financial pressure under which the cities are laboring, it is considered that the health of the people demands the erection of baths, open without cost to the public at large. (Bürgermeister Schulze, Rötha, in the *Zeitschrift für Kommunalwirtschaft*.)



Municipal Surveys.—One of the most valuable undertakings of the staff of the *Zeitschrift für Kommunalwirtschaft* is the publication of comprehensive reports concerning individual cities. These reports consist of contributions made by local specialists or officials and cover the major activities, interests and characteristics of the city concerned. For instance, the following subjects are usually considered: the topography of the city and character of the population; industry and trade; traffic; public administration, particularly as regards organization and finance; the architectural character and development of the city; education, including vocational education; science and art, and other topics.